

ANNUAL SYNAR REPORT

42 U.S.C. 300x-26

OMB N°: 0930-0222

FY 2003



U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
Substance Abuse and Mental Health Services Administration
Center for Substance Abuse Prevention

www.samhsa.gov

FFY 2003 SAPT Block Grant Application. State of Indiana.

Goal 8: State Law Regarding Sale of Tobacco Products to Individuals Under the Age of 18 (Section 1926)

An agreement to continue to have in effect a State law that makes it unlawful for any manufacturer, retailer, or distributor of tobacco products to sell or distribute any such product to any individuals under the age of 18; and, to enforce such laws in a manner that can reasonably be expected to reduce the extent to which tobacco products are available to individuals under the age of 18 (see 42 U.S.C. 300x-26 and 45 C.F.R. 96.130).

FFY 2001 Compliance Progress

Indiana has had a good year in regards to progress on maintaining adherence to Synar requirements. State Fiscal Year 2001 was the first full year of operations of the Master Tobacco Settlement Agreement-funded Indiana Tobacco Prevention and Cessation Agency (ITPC), which not only invested \$2 million in SFY 2002 to expand operations of the statewide Indiana Tobacco Retailer Inspection Program (TRIP) through the Indiana Alcohol and Tobacco Commission, but also invested \$18.6 million in community-based tobacco control programs throughout the State, some of which are addressing enforcement of youth tobacco access laws at the local level. Increased enforcement of youth tobacco access laws, coupled with initiation of a massive ITPC-funded public awareness campaign about the dangers of tobacco use, has had a significant positive effect on Indiana's Synar noncompliance rate, which declined from 24.5% in 2001 to 19.4% in 2002. Additionally, in June, the Indiana General Assembly passed Governor Frank O'Bannon's tax package, which increased Indiana's cigarette excise tax to 55.5 cents a pack, bringing Indiana from the 8th lowest• to the 21st highest cigarette excise tax in the Nation*. In a report issued July 22 by the American Lung Association, American Cancer Society, American Heart Association and the Campaign for Tobacco-Free Kids, Indiana received national recognition for increasing its cigarette excise tax and for maintaining funding for the ITPC and was recognized as one of only four States dedicating a significant portion of its settlement dollars to tobacco control "at a time when States are reducing their spending on tobacco prevention by a combined total of 13%".

FFY 2002 Intended Use

The Indiana Tobacco Prevention and Cessation Agency (ITPC) is in the second year of its biennial appropriation, and the legislative session which begins in January is important for the continuation into SFY 2004 and SFY 2005 of tobacco control efforts initiated all over the State during the past year-and-one-half. Indiana has strong cultural norms supporting tobacco use, reflected in ranking fourth highest in adult smoking rate in the country and as above national averages on most measures of youth tobacco use. Although, to date, Indiana has met its Synar requirements, enforcement of youth tobacco access laws had not been a priority until recent years. Continuation through SFY 2003 of ITPC initiatives begun in SFY 2002, including a statewide media campaign to educate the public on the dangers of tobacco use, expansion of the

• As of the FFY 2002 SAPT block grant application Synar report.

* As of July 1, 2002.

statewide Indiana Tobacco Retailer Inspection Program (TRIP) through the Indiana Alcohol and Tobacco Commission, and funding of a significant number of community-based youth tobacco access law enforcement programs will support continuation of success in meeting Synar requirements. Additionally, ITPC's continued support through SFY 2003 of ATC's expanded involvement in enforcing youth tobacco access laws through its State Excise Police and through its combined alcohol and tobacco vendor signage and education programs will support continued decrease sales of tobacco products to underage youth. It is expected that again in SFY 2003, a bill supported by health advocates to require tobacco vendor licensure or registration will be proposed. Lastly, other programs and efforts to mobilize communities to address youth tobacco access and educate youth about dangers of tobacco use through numerous Indiana agencies and organizations, including DMHA, will continue through SFY 2003.

SECTION I

FFY 2002 Compliance Progress:

Question 1. *Describe any changes or additions to the State tobacco statute relating to 42 U.S.C. 300x-26 since the last application. Describe the impact the changes will have on enforcement of State tobacco laws.*

There were no changes in the basic Indiana law which makes it illegal for youth under age 18 to purchase tobacco products, IC 35-46-1-10, during Indiana's 2002 legislative sessions held during the first six months of 2002. There were, however, three tobacco-related legislative changes (see Attachment A), outlined below, the most significant being a 40-cent increase in the per-cigarette pack excise tax passed during the Special Session. Behind the scenes, there was also significant other activity on the part of health advocacy groups to influence laws which would support Synar goals, including introduction of a provision to require registration of Indiana tobacco retailers, SB 470, which failed to get a hearing in committee. Following is information on SEA 491, HEA 1005, and HEA 1001 (ss).

2002 Indiana Tobacco-Related Statutory Changes

Senate Enrolled Act (SEA) 491, Tobacco Qualified Escrow Fund Proceedings, and House Enrolled Act (HEA) 1005, Throwing Lighted Cigarette, Cigar, Match, or Other Burning Material from a Moving Motor Vehicle. During the 2002 Regular Session of the Indiana General Assembly, held January 7 through March 14, two provisions which deal with tobacco became law. While both are good legislation, it is not expected that enactment of either law will have any significant effect on enforcement of State tobacco laws.

SEA 491, IC 24-3-3.5, involved adding a new chapter to the Indiana Code, retroactive to July 1, 1999, requiring tobacco companies which did not participate in the 1998 Master Tobacco Settlement Agreement (MSA) and selling cigarettes in Indiana after June 30, 1999, to place funds into a Qualified Escrow Fund by a certain date. This law also clarifies that the Indiana Attorney General may charge such companies "reasonable fees" to settle matters of this type and/or for legal work done if a violation occurs in this regard. Funds collected in this manner have the potential to increase dollars available for tobacco control activities, although nothing in the legislation directly addresses this issue.

HEA 1005. The other law passed during the Regular Session, part of HEA 1005, is IC 35-45-3-3, a new provision establishing as a Class A infraction the throwing of a lighted cigarette, cigar or match or other burning material from a moving vehicle.

HEA 1001 (ss), Increase in Cigarette Excise Tax and Accompanying Amendments. During the 2002 Special Session, held May 14 through June 23, IC 6-7-1-12 increased Indiana's cigarette excise tax 40 cents per pack, effective July 1, 2002, from 15.5 cents to 55.5 cents, as part of HB 1001 (ss), which became P.L.192-2002 (ss). The increase places Indiana third highest in per-pack cigarette excise taxes in the five-State region which includes Illinois, Michigan, Ohio, Kentucky and Indiana, 69.5 cents behind Michigan (\$1.25), 42.5 cents behind Illinois (98 cents), slightly above Ohio's 55-cents-per pack, and well above Kentucky's three-cents-per-pack. Since higher cigarette taxes influence youth tobacco purchases, it is expected that the tax increase will support

Synar goals. A study by Sherry Emery, Martha M. White and John P. Pierce, published in the October, 2001, issue of the *Journal of Health Economics*, reported that "the economics literature generally agrees that State and federal excise taxes can play an important role in deterring adolescent smoking". This study, "Does Cigarette Price Influence Adolescent Experimentation?" utilized data from the 1993 wave of the longitudinal teenage attitudes and practices survey (TAPS) and was based on a survey of a total of 12,952 adolescents aged ten to 22 years of age from 48 States and the District of Columbia, excluding South Dakota and Nebraska, interviewed by telephone in their homes. The study found that young people experimenting with smoking are not likely to be influenced by cost but that regular young smokers are influenced by cost. In other words, the study's results "confirm others' findings that price is an important factor in more advanced smoking behavior among adolescents".

IC 6-7-2-7, IC 6-7-2-13 and IC 6-7-2-17. Also during the Special Session, IC 6-7-2-7, IC 6-7-2-13 and IC 6-7-1-17 were amended, effective July 1 of this year, to maintain tobacco distributors' benefit while providing an incentive to file complete, timely tax returns. Additionally, IC 6-7-1-28.1 was amended, effective August 1 of this year, to change the distribution of collected excise taxes to maintain the dollar values while increasing funds going into the State General Fund.

Question 2. *Describe how the annual report required under 45 C.F.R. 96.130(e) was made public within the State, along with the State Plan as provided in 42 U.S.C. 300x-51.*

The Synar portion of the FFY 2003 SAPT block grant application was posted on the DMHA website at <http://www.in.gov/fssa/serviceaddict/> in September, 2002. Results of the study are also being publicized through an Indiana Family and Social Services Administration press release.

Additionally, results of the 2002 Synar study are being shared with the ten-member Division of Mental Health and Addiction Advisory Council on September 5, the Tobacco-Free Youth Coalition on September 11, the thirty-member DMHA Addiction State Planning Council on September 18, the Executive Board of the Indiana Tobacco Prevention and Cessation Agency (ITPC) on September 19, and the Interagency Council on Drugs on October 15. These groups include broad representation from Indiana stakeholder groups, including other State agencies, non- and for-profit mental health and addiction providers, mental health and addiction services advocacy groups, and mental health and addiction service consumers and family members. The Executive Board of ITPC meeting is regularly attended by members of the public, providing the opportunity to share Synar objectives with a broad audience. In addition to health-promoting and law enforcement groups, the Tobacco-Free Youth Coalition attracts retail association and tobacco industry representatives. The Interagency Council on Drugs is statutorily required "to coordinate the alcohol and other drug education, prevention, treatment, and justice programming and funding responsibilities of State agencies, commissions, and boards including the approval of alcohol and other drug plans and funding applications by State agencies, commissions, and boards," per IC 5-2-6-16 (c) (1). The Addiction State Planning Council is the group which oversees implementation of the SAPT block grant, and the DMHA Advisory Council includes representatives from all of DMHA's advisory committees.

Question 3. Identify the agency or agencies designated by the Governor for the implementation of the requirements. Identify the State agency responsible for conducting random, unannounced inspections. Identify the State and/or local agency or agencies that are responsible for enforcing the tobacco access law(s) (See 42 U.S.C. 300x-26 and 45 C.F.R. 96.130).

Since 1996, per I.C. 7-1-6-2-2, as recipient of the federal Substance Abuse Prevention and Treatment block grant*, the Indiana Family and Social Services Administration (FSSA) Division of Mental Health and Addiction (DMHA) is the State agency designated to implement the requirements of 42 U.S. C. 300x-26 and 45 C.F. R. 96-139. FSSA is a State agency, and its Secretary reports directly to the Governor. DMHA's Director reports to the Secretary. DMHA continues to contract with the Indiana Alcohol and Tobacco Commission (ATC) to supervise and conduct the annual unannounced Synar study of randomly selected tobacco retailers to determine Indiana's rate of vendor noncompliance with laws prohibiting the sale of tobacco products to youth under age 18, per I.C. 35-46-1-10. ATC Excise Police work with youth aged 14-16 and adult monitors recruited through the Indiana Criminal Justice Institute's Governor's Commission for a Drug-Free Indiana Regional Coordinating areas. Concerning enforcing youth tobacco access laws, any Indiana law enforcement officer is qualified to enforce these laws. Certain tobacco laws, including IC 35-46-1-10.2, which prohibits sale or distribution of tobacco products to youth under age 18, are prosecutable not only through local law enforcement entities, but through the Indiana Alcohol and Tobacco Commission (ATC).

Question 4. Describe briefly the coordination and collaboration that occurs between your State's Tobacco and Health Office (Association of State and Territorial Health Officials) and Single State Authority for Substance Abuse (NASADAD). Discuss how State efforts to reduce youth access to tobacco relate to other tobacco control and prevention initiatives in your State.

Achievement of Synar goals has required extensive coordination and collaboration through the years with other State agencies and organizations, and this continued to be true in SFY 2002. The Division of Mental Health and Addiction (DMHA) and the **Indiana State Department of Health (ISDH)** have collaborated on a number of tobacco-related "fronts" since Synar requirements went into effect in 1996. Over the past year, the **Indiana Tobacco Prevention and Cessation Agency (ITPC)**, established in 2000 by the Indiana General Assembly and Governor Frank O'Bannon through Indiana's portion of the 1998 Master Tobacco Settlement Agreement funding, has taken the lead in establishing tobacco control programs throughout the State. Beginning in July of 2001, ITPC began funding the Indiana Tobacco Retailer Inspection Program (TRIP), established by DMHA in 2000 through a Food and Drug Administration agreement to provide a statewide youth tobacco access law enforcement presence. Since SFY 2001, the DMHA Director (as designee of the Secretary of the Indiana Family and Social Services Administration) and the ISDH Commissioner serve as ex-officio members of the 22-member Indiana Tobacco Use Prevention and Cessation Executive Board, which began meeting monthly in June of 2000 and since July, 2001, is meeting bi-monthly to oversee ITPC's portion of the 1998 Master Tobacco Settlement Agreement Trust Fund.

ITPC's mission is "to prevent and reduce the use of all tobacco products in Indiana and to protect

* Performance Partnership block grant.

citizens from exposure to tobacco smoke," and over the past year, ITPC, governed by IC 1-12-4, has mobilized to serve as the focal point for Indiana tobacco control activities. The Executive Board coordinates and allocates Tobacco Trust Fund resources "to change the cultural perception and social acceptability of tobacco use in Indiana, to prevent initiation of tobacco use by Indiana youth, to assist tobacco users in cessation, to assist in reduction and protection from environmental tobacco smoke, to support the enforcement of tobacco laws concerning the sale of tobacco to youth and use of tobacco by youth, and to eliminate minority health disparities related to tobacco use and to emphasize prevention and reduction of tobacco use by minorities, pregnant women, children, youth and other at-risk populations".

DMHA and ISDH also coordinate through the **Interagency Council (IAC) on Drugs**, which was established by statute in 1991 and which has been chaired since 2001 by the DMHA Director. Among the Council's responsibilities is the coordination of the alcohol and other drug education, prevention, treatment and justice programming and funding responsibilities of State agencies, including approval of alcohol and other drug plans and funding applications by State agencies, commissions and boards, per I.C. 5-2-6-16. The IAC meets bi-monthly, assuring State agencies are informed of each others' alcohol and other drug, including tobacco, activities and that agencies are provided opportunities for collaboration and coordination. Besides the Division Director, who is a voting member, during SFY 2002, the DMHA Synar Coordinator, the Chemical Addictions Bureau Chief and the Deputy Director for Public Policy have regularly attended and reported at IAC meetings.

DMHA and ISDH continue to collaborate through the **Tobacco-Free Youth Coalition**, established in 1997 to support Synar compliance. The Coalition, which includes representatives not only from health- and enforcement-related State agencies but from other youth- and health-promoting organizations, the retail community and the tobacco industry, has continued to serve as a forum for emphasizing the importance of increasing tobacco vendor education and enforcement of youth tobacco access laws and for the exchange of information on Indiana tobacco control and prevention initiatives. Throughout SFY 2002, the Coalition has met on a quarterly basis, chaired by the DMHA Synar Coordinator, and the ISDH continues to be represented on the Coalition by its Office of Tobacco and Health. During SFY 2002, the Coalition featured presentations by local youth tobacco access enforcement programs and heard regular reports from the statewide Tobacco Retailer Inspection Program and on both federal and State Synar activities.

Another point of DMHA and ISDH collaboration is through the Center for Substance Abuse Prevention's **State Incentive Grant (SIG)**, which is administered and managed by DMHA. ISDH is represented on both the SIG Advisory Committee and on a SIG working committee. An ISDH Assistant Commissioner has taken an active role in assisting with DMHA's SIG implementation through the working committee.

DMHA has also continued to work with ISDH in SFY 2002 in support of *Healthy People 2001* objectives, providing funding support for the **Prenatal Substance Use Prevention Program (PSUPP)**, whose goal is to reduce and eventually eliminate use of alcohol, tobacco and other drugs by pregnant women and which is managed by the ISDH and implemented through Maternal and Child Health clinics, community prenatal and hospital prenatal clinics and local

health departments. During SFY 2002, almost 46% of PSUPP clients were considered high-risk based on substances used upon enrollment. Data from the third quarter of SFY 2002 indicate that 49% of the pregnant women using cigarettes had terminated/decreased use by delivery. Additionally, 93% full-term live births and only seven percent premature births occurred among enrolled clients. ISDH addresses tobacco use prevention, education and cessation through slide presentations by the Oral Health Division on the dangers of smokeless tobacco for schools, health fairs and other groups, partial funding of the Indiana Academy of Family Physicians-sponsored tobacco reduction protocol, "Tar Wars," the Maternal and Child Health Division's "Ask For the Sake of Our Kids (ASK)" secondhand smoke exposure for children reduction protocol for Maternal Child Health providers, and participation in the Indiana Perinatal Network, a community approach to improving health care for Indiana mothers and babies emphasizing smoke-free homes and smoking cessation.

Another effort of the ISDH has been **Smokefree Indiana**, which recently has redirected the focus of its Centers for Disease Control and Prevention Tobacco Use Prevention and Control Program to university students throughout the State. During SFY 2003, Smokefree Indiana will be developing a coalition to build support for tobacco-free university buildings and grounds, to offer college students prevention and education initiatives that support non-use and address risks of tobacco use, to provide university-based training on media literacy and strategies the tobacco industry uses to target the college-aged population, and to participate in advocacy opportunities on campus and in Indiana college communities.

Since Synar requirements began to be implemented in 1996, DMHA has worked closely with the **Governor's Commission for a Drug-Free Indiana** through a contract to recruit youth and adult inspection participants through its statewide **Regional Coordinating system**. The Regional Coordinating system has engendered the creation of county-based **Local Coordinating Councils** (LCC's), many of which include tobacco as a priority for community action projects. For a number of years, DMHA has worked through these groups to encourage locally-driven youth tobacco access law enforcement efforts. DMHA also administers middle school alcohol, tobacco and other drug prevention projects through its Afternoon Rocks after-school project, funded through the Substance Abuse Prevention and Treatment block grant, which has included information on the harmful nature of tobacco products in its curriculum for some time.

Question 5. *In 2-3 pages, list and describe all the State 's activities to enforce the State youth access to tobacco law(s) in FFY 2002. Such activities may include statewide and/or targeted enforcement activities.*

Indiana Activities to Enforce Youth Tobacco Access Laws. As mentioned in the response to Question 4, above, the Indiana Tobacco Prevention and Cessation Agency (ITPC), created by the 2000 Indiana General Assembly to administer tobacco control dollars made available through Indiana's portion of the 1998 Master Tobacco Settlement Agreement, took over the funding of the Indiana Tobacco Retailer Inspection Program (TRIP) as of July, 2001, to continue a statewide youth tobacco access law enforcement presence begun by DMHA in 2000. ITPC established an interagency Memorandum of Understanding (MOU) with the Indiana Alcohol and Tobacco Commission (ATC) to operate TRIP and to conduct training for tobacco retailers and salesclerks on Indiana youth tobacco access laws. Under the MOU, the ATC is also

responsible for maintaining a database of Indiana tobacco retailers, publicizing the names and addresses of retailers consistently violating Indiana youth tobacco access laws, and producing and distributing written material relating to the sale of tobacco products to juveniles and to Indiana's youth tobacco access laws.

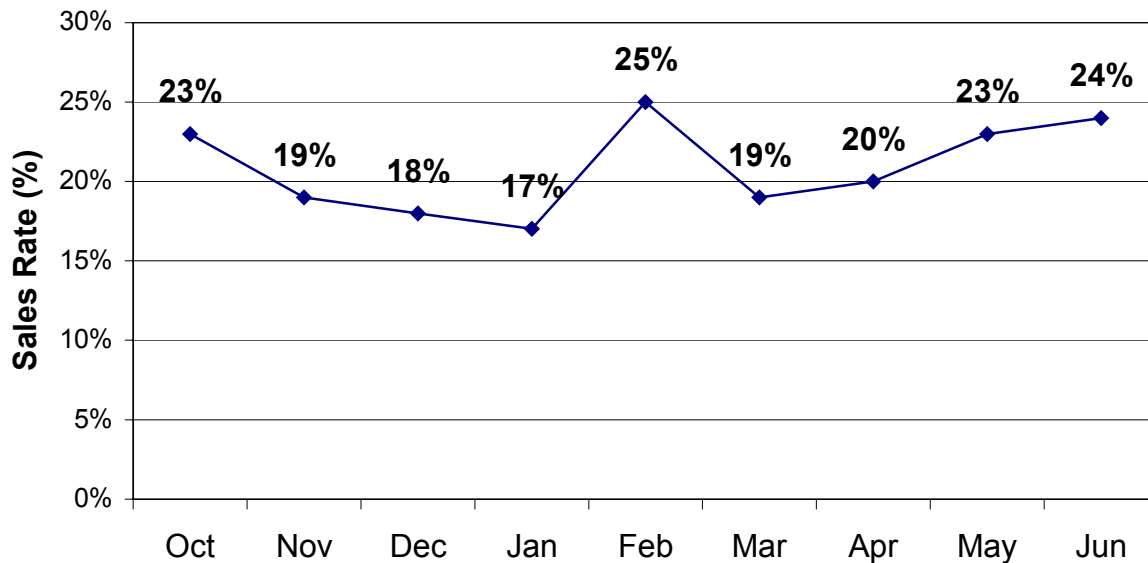
Indiana's SFY 2002 activities to enforce youth tobacco access laws will be presented in the following categories:

- The ITPC-funded Indiana Tobacco Retailer Inspection Program (TRIP),
- ATC Excise enforcement of youth tobacco access laws,
- ITPC-funded community program enforcement initiatives to address reduction of youth initiation of and access to tobacco,
- Three long-standing county youth tobacco access law enforcement programs,
- Comprehensive Plans for Local Coordinating Councils (LCC's) containing tobacco enforcement in their recommendations, and
- Tobacco vendor training programs.

Some of the LCC recommendations resulted in community-based program plans which received ITPC funding in SFY 2002, but no data is available as yet from the ITPC community-based programs. Since Indiana does not license or register tobacco vendors, no license suspensions or revocations occur.

Indiana Tobacco Retailer Inspection Program (TRIP). In May, 2001, the ITPC Executive Board approved a budget of \$2 million for enforcement of Indiana tobacco laws, and a Memorandum of Understanding (MOU) was developed with the Indiana Alcohol and Tobacco Commission (ATC) to operate TRIP and to conduct training for tobacco retailers and salesclerks in Indiana youth tobacco access laws. Under ATC's leadership, enforcement of tobacco laws has become a priority for the Indiana law enforcement community. From October, 2001, through June, 2002, TRIP officers conducted 4,766 inspections of retail tobacco outlets, averaging 530 inspections per month and resulting in collection of more than \$85,000 in fines. Beginning in May, 2002, results of TRIP inspections are being posted on the ATC website at <http://www.in.gov/atc/isep/TRIP1OR.htm> as a way to bring attention to retailers who are complying with the laws and those which are not complying. TRIP enforcement activities have resulted in sales rates fluctuating around an overall average of about 21% from October, 2001, through June, 2002 (see graph on following page).

**Sales Rate of Indiana Tobacco Retailers by TRIP
October 2001 to June 2002**



ATC Excise Enforcement. Additionally during this period, reflecting the agency's new name (the Alcohol and Tobacco Commission as of July 1, 2001), the 67 ATC Excise officers worked throughout the State to enforce tobacco law violations. It should be noted that ATC arrest tickets more than doubled between SFY 2001 and SFY 2002, from 451 to 960, and that warnings slightly decreased, from 57 in SFY 2001 to 51 in SFY 2002. It is also interesting to note that tickets to juveniles for possession also more than doubled, from 421 in SFY 2001 to 884 in SFY 2002. The following data summarizes information on tickets issued by Indiana Excise Police, by Excise district, between July 1, 2001, and June 30, 2002. These violations are prosecuted through local courts, and as in previous reports, no information is available on the final disposition of these actions at this time. In SFY 2002:

District 1 (Northwest Indiana) issued 123 tobacco-related arrest tickets, 100 to juveniles for possession and 23 to persons over 18 for selling tobacco products to underage youth, and five warning tickets, all to underage youth for possession.

District 2 (Northeast Indiana) issued 260 tobacco-related arrest tickets, 239 to juveniles for possession and 21 to persons over 18 for selling tobacco products to underage youth.

District 3 (West Central Indiana) issued 58 tobacco-related arrest tickets, 57 to juveniles for possession and one to an individual over 18 for selling tobacco products to underage youth, and four warning tickets to underage youth for tobacco possession.

District 4 (Southeastern Indiana) issued 62 tobacco-related arrest tickets to juveniles for tobacco possession, nine warning tickets to underage youth for tobacco possession, and one warning ticket to a minor for sale of a tobacco product to an underage youth.

District 5 (Southwestern Indiana) issued 311 tobacco-related arrest tickets, 298 to juveniles for possession and 13 to adults for sale of tobacco products to underage youth, and issued 23 warning tickets to juveniles for tobacco possession and one warning ticket to a minor for sale of a tobacco product to an underage youth.

District 6 (Central Indiana) issued 146 tobacco-related arrest tickets, 128 to juveniles for tobacco possession and 18 to persons over age 18 for selling tobacco products to underage youth, and issued seven warning tickets to juveniles for possession of tobacco and one warning ticket to a minor for sale of a tobacco product to an underage youth.

ITPC Community Programs. As of June, 2002, ITPC had approved \$7.5 million in funding for 88 of Indiana's 92 counties for their community-based programs. Approximately half of ITPC-funded community-based programs are understood to be addressing enforcement in their local areas as part of their programming. In addition to the community-based programs, the ITPC set aside \$2.5 million to support efforts through minority organizations and \$6.25 million to support Statewide, regional and pilot projects using evidence-based or innovative tobacco prevention and cessation efforts for youth and adults. As of June, 2002, 25 minority-based programs representing 19 of the 29 counties designated for minority program status and 20 statewide, regional and pilot programs had been funded. The total of these three funding categories represents 95% of the \$18 million allocated to community-based programs. These programs are just getting up and running, and no data is available from them as yet.

Three Long-Standing County Youth Tobacco Access Law Enforcement Programs. Two programs identified in last year's Synar report, one in St. Joseph County in North Central Indiana, the other in Bartholomew County in Central Indiana, and a Gary, Indiana, program in northern Indiana have continued to operate and to provide leadership to counties interested in establishing stronger local enforcement of youth tobacco access laws. A program operated by the Marion County (Central Indiana) Health Department, which had been funded through a Robert Wood Johnson Foundation grant augmented by local sources, was discontinued this fiscal year after four years of success in managing regular youth tobacco access law enforcement activity in several inner-city Indianapolis neighborhoods.

St. Joseph County Quit Project. In North Central Indiana, the St. Joseph County Tobacco Quit Project (STQP), which began in 1999 to increase enforcement of youth tobacco access laws, continued this past year. Between July of 2001 and June of 2002, the project conducted monthly youth tobacco access law inspections of St. Joseph County retailers, carrying out 174 inspections and finding 75% overall adherence to the laws. The program continues as a joint project of the St. Joseph County Prosecutor, five law enforcement agencies, including the State Excise Police, and the Healthy Communities Initiative, which provides program funding. During the monthly inspection "rounds," coordinated by the St. Joseph County Health Department, purchases are made, and violation tickets are issued and filed for prosecution with the county clerk. Retailers who abide by the laws are recognized, and names of retailers who violate a total of three times are submitted to local newspapers and posted on the Healthy Communities Initiative website. According to submitted data, the compliance rate is not as good this year as last year, when six rounds resulted in an 86% compliance rate, demonstrating that continued vigilance is necessary. The program director presented STQP at the April 24, 2002, meeting of the Tobacco-Free Youth Coalition.

Bartholomew County. In SFY 2002, Bartholomew County in Central Indiana has continued its Pilot Tobacco Retailer Compliance Program, a partnership between the county Healthy Communities Initiative (HCI), the Columbus Police Department, the State Excise Police and the Bartholomew County Sheriff's Department. In March, the Bartholomew County Tobacco

Awareness Action Team, "an umbrella program" of the Bartholomew County HCI, was awarded a two-year grant of \$76,000 per year from the ITPC to continue the Tobacco Awareness project, whose goal is to reduce use of tobacco products and raise awareness about the dangers of tobacco use and which includes the compliance inspection program. In SFY 2002, the Tobacco Awareness Action Team carried out 226 inspections and found a noncompliance rate of 11%, providing evidence that "consistent enforcement...reaps positive results". Retailers which did not sell tobacco products to underage youth were thanked in Columbus' *The Republic*. In SFY 2003, the team plans to continue quarterly inspection rounds, although on a smaller scale, revisiting retailers found noncompliant during the last inspection round and at least ten additional retailers each quarter.

Gary Police Department. Last Fall, an ongoing enforcement program conducted by Gary (North Central Indiana) Police Department officers inspected 48 tobacco retailers for compliance with youth tobacco access laws and resulted in a 41% noncompliance, or sales rate. During the inspection effort, 20 store employees were ticketed for sale of tobacco products to juveniles, and names of the violating retail outlets were forwarded to the Alcohol and Tobacco Commission for further investigation. Program evaluation is handled by Valparaiso University, and names and addresses of stores which sold tobacco products to juveniles and those which properly refused to do so were published in the *Gary Post Tribune*.

Comprehensive Plans for Local Coordinating Councils (LCC's). Each of Indiana's 92 counties develops a three- to five-year Comprehensive Community Plan (CCP) outlining how they will use funds dedicated to addressing alcohol, tobacco and other drugs in their communities as part of the Governor's Commission for a Drug-Free Indiana's efforts to reduce drug abuse in Indiana. In years for which no full CCP is developed, LCC's develop Progress Updates outlining changes and progress over the past year. Counties utilize their County Drug Free Community Fund to carry out their plans, and funds come from county "user fees" resulting from various alcohol and other drug-related program fees. As of August, 2002, eight Indiana counties (Wayne, Madison, Johnson, Delaware, Porter, Clay, Floyd, and Wells) had identified a youth tobacco access law enforcement recommendation in their plan.

Indiana Department of Education Enforcement of Youth Tobacco Use Policies. The Indiana Department of Education (DOE) continues to address youth tobacco access through its policies of school expulsions and suspensions for tobacco use. During School Year 2000-2001 (the latest year for which data are available), the DOE reported 61 expulsions for student tobacco use, 14,016 out-of-school suspensions for tobacco use, and 6,563 in-school suspensions for tobacco use.

Tobacco Vendor Training/Support for Abiding By Indiana Youth Tobacco Access Laws. Between July, 2001, and June, 2002, ATC staff conducted 538 training sessions all over Indiana for restaurant personnel, convenience store and gas station clerks, reaching more than 10,500 individuals and promoting their "ID on Demand" message. During this same period, ATC has encouraged use of its statewide toll-free telephone number, 1-866-2STOPEM, on which the public can report retailers known to be selling tobacco products to underage youth, although use of the line has been minimal. Additionally, ATC has trained close to 200 law enforcement candidates on tobacco sales laws as part of routine Indiana Law Enforcement Academy training. During this period, ATC has also worked closely with ITPC-funded community-based enforcement programs to provide training on proper inspection procedures. Additionally, the Governor's Commission for a Drug-Free Indiana,

ATC and DMHA collaborated on a series of three tobacco vendor training sessions March 18-20, 2002, and in Fall, 2001, DMHA and the Governor's Commission worked together on a project in which community volunteers, including youth, distributed posters geared to reminding sales clerks of their responsibilities to uphold Indiana law in not selling tobacco products to youth under 18. It is also understood that during this period, the Indiana Coalition for Responsible Tobacco Marketing continued to make "We Card" vendor training available to Indiana tobacco retailers.

Early in SFY 2002, the ATC finalized its combined alcohol and tobacco sales signage project, and materials, including signs, "penny savers," and decals in both Spanish and English in different sizes, were distributed to Indiana vendors beginning early in Calendar Year 2002.

Question 6. In 2-3 pages, describe the sampling design and methodology used by the State to conduct random, unannounced inspections.

Changes in Sampling Methods. The sampling methods used in the 2002 Synar study were essentially the same as methods used in the last three years except the sample size per cluster was raised from 10 to 12 resulting in a total target sample size of 1,080 inspections. The previous cluster sample methods and results were reviewed by a statistician after last year's report was submitted. Indiana was advised to increase the cluster sample size in order to ensure that the required confidence intervals of +/- 3% were achieved.

Indiana does not require licensure or registration for tobacco vendors, so there is no complete list of retailers who sell tobacco products. In spite of the fact that retailers have had to be identified using other means, the sampling frame has improved. It is used throughout the year by Indiana's tobacco enforcement program. Address corrections are made as they are found, as are deletions of closed businesses and additions of new ones. Sampling frame quality is described in more detail in the next section.

Source and Quality of Sampling Frame.

Source. As in previous years, a list of potential outlets was purchased from InfoUSA, a vendor of business and residential address and telephone listings. The sample included only stores in the following standard industrial classification categories:

<u>Category</u>	<u>SIC Code</u>
Variety Stores	53xx
Convenience Stores, Food Stores	54xx
Gasoline Stations	5541
Drug Stores	5912
Tobacco Stores	5993
Newsstands	5994

Updating Procedures. The list was originally purchased in August 2001. It is also used for Indiana's Tobacco Retailer Inspection Program (TRIP), the State's primary tobacco enforcement program. Before inspections began, all vendors were called in order to verify they were still in business and determine if they sold tobacco. Only vendors that stated they do not sell tobacco were removed from the list. Any vendor that was not reached by phone was left on the list so it

could be verified by a site visit.

Since the list is critical to both TRIP and the Synar study, it is updated almost daily. TRIP officers are instructed to verify and make corrections to vendor's name and/or address during each inspection (approximately 500 per month). The corrections are then made in the sampling frame as the inspection data are entered.

In addition to these ongoing updates, lists from other sources have been merged into the master sampling frame. Various local organizations are receiving support to conduct their own tobacco compliance inspections in cooperation with local law enforcement. These groups usually receive the initial list of retailers from the Excise master list of tobacco retailers. The local groups are requested to notify Excise of any corrections, omissions or additions to the list. Most groups are complying with this request.

Determining Accessibility. The Excise officer conducting the inspection determines accessibility. Retailers are considered eligible and accessible if they sell tobacco products and it is legal for a juvenile to enter the establishment. The only exception is that inspections are conducted in stores that primarily sell tobacco in spite of the State law that prohibits individuals under 18 years of age from entering the store. However, inspections are not conducted in liquor stores, bars or other establishments of adult entertainment.

Verifying Eligibility. TRIP officers have visited most of the retailers in the sampling frame. If a TRIP inspection or a Synar inspection is attempted at an establishment that does not sell tobacco products, it is removed from the sampling frame.

Identifying New Outlets. The sampling frame used for Synar inspections is the TRIP master tobacco vendor list. This list is constantly being updated as name and address corrections come in from TRIP officers and local groups conducting inspections. TRIP officers are also encouraged to notify the central office if they observe stores in business or being developed that are not on the inspection list. Officers visit these stores, obtain the appropriate information and have it added to the master list.

Accuracy of the Sampling Frame. Not all of the vendors in the sampling frame have been inspected, so a complete assessment of accuracy cannot be determined. However, tobacco inspections have occurred in over 90 percent of Indiana's counties in the past year. The Synar inspections resulted in 89.0 percent accuracy; 11.0 percent of the attempted inspections were aborted due to ineligibility of the retailer. The initial visits of the TRIP inspections resulted in 81.0 percent accuracy. The numerous ineligible stores found during TRIP inspections are removed prior to drawing the sample for Synar inspections.

Coverage of the Sampling Frame. It is not possible at this time to determine the coverage of the sampling frame. Indiana does not require licensure or registration for retailers selling tobacco products. As a result, there is no way to accurately calculate the total number of tobacco retailers.

Random Selection Process.

Geographic Unit. The primary sampling units for this study were Indiana counties.

Selection of Units. A cluster design was developed using the instructions outlined in *Synar Regulation: Sampling Design Guidance*, Guideline #7, published by SAMHSA, 1996. Number of clusters per county was selected by using systematic sampling from the list of potential outlets that had been sorted by county (primary sampling unit). From the list of 7,354 potential businesses, a total of 90 clusters of 12 businesses were needed. Using a random starting point, the random selection of every 82nd address resulted in the selection of a cluster from that county. A total of 60 of Indiana's 92 counties were included in the study.

Selection of Outlets Within Units. Of the 60 counties selected, 46 were selected to have only one cluster. In each county, a random number was assigned to all retailers in the sampling frame and then sorted by this random number. The first 12 were assigned to be the primary retailers that would be inspected. The next ten were the replacements to be used as substitutions for ineligible primaries. The names and addresses of these 22 retailers were pre-printed directly on inspection forms and sent to inspection teams through the Excise Office supervisor. It should be noted that no over-sampling was done in this study.

In the 14 counties for which more than one cluster was needed, a different procedure was used. Using longitude and latitude data associated with the vendor's address, all potential businesses in the county were divided into geographically contiguous groups equal to the number of clusters needed. Within each of these groups, the same random selection procedures were used as described for the counties, resulting in 12 primary and ten replacement retailers. The names and addresses were pre-printed directly on inspection forms and sent to inspection teams through the ATC Excise Office supervisor.

Sample Size. The sampling procedures resulted in 1,774 primary and replacement retailers. Several smaller counties did not have enough tobacco retailers to allow for 12 primary and ten replacements to be selected. The goal was to have 12 inspections for each of the 90 clusters for a total of 1,080 inspections. The actual result was a total of 1,058 completed inspections; two clusters had 13 inspections, four had 11 and four more had less than 10 inspections.

There were a total of 1,189 inspections attempted. There were 131 attempts that were considered ineligible by the officer at the site:

- 65 were out of business
- 19 did not sell tobacco
- 37 could not be found given the information in the database
- 10 were not accessible to youth (liquor stores or bars)

An inspection was completed at all eligible stores where an inspection was attempted.

Question 7. *Report the complete results of the inspections conducted for the Synar survey during FFY 2002.*

Sample Size	1,058
Unweighted noncompliance rate	19.1%
Weighted noncompliance rate	19.4%
Standard Error	2.00%
Design effect	1.647
95% Confidence interval	15.2% - 23.0%

See following pages for calculations.

Form 1: Summary of Tobacco Inspection Results by State Geographic Unit
State: Indiana
FFY: 2002

(1)		(2)			(3)			(4)		
No. Geographic Sampling Unit (County)	Percent of Youth Under 18	No. of Tobacco Outlet Population			No. of Outlets Randomly Inspected in FFY 2002			No. of Outlets Found in Violation During Random Inspections		
		Over the Counter (OTC)	Vending Machines (VM)	Total Tobacco Outlets	Over the Counter (OTC)	Vending Machines (VM)	Total Tobacco Outlets	Over the Counter (OTC)	Vending Machines (VM)	Total Tobacco Outlets
1Adams	31.1	27	0	27	12	0	12	1	0	1
2Allen	27.7	239	0	239	36	0	36	3	0	3
3Benton	27.9	19	0	19	12	0	12	0	0	0
4Boone	28.3	49	0	49	12	0	12	1	0	1
5Cass	25.9	49	0	49	12	0	12	2	0	2
6Clark	24.2	86	0	86	24	0	24	3	0	3
7Clinton	27.3	36	0	36	12	0	12	0	0	0
8Davies	29.0	39	0	39	12	0	12	3	0	3
9Decatur	26.3	29	0	29	13	0	13	4	0	4
10Delaware	22.1	118	0	118	24	0	24	4	0	4
11Dubois	27.4	77	0	77	12	0	12	1	0	1
12Elkhart	28.9	154	0	154	36	0	36	9	0	9
13Floyd	25.8	50	0	50	11	0	11	3	0	3
14Fountain	26.2	34	0	34	12	0	12	8	0	8
15Fulton	26.0	33	0	33	12	0	12	4	0	4
16Grant	23.6	92	0	92	24	0	24	5	0	5
17Hamilton	30.8	109	0	109	24	0	24	4	0	4
18Harrison	25.9	6	0	6	5	0	5	0	0	0
19Hendricks	28.0	79	0	79	12	0	12	2	0	2
20Henry	24.2	76	0	76	12	0	12	1	0	1

Form 1: Summary of Tobacco Inspection Results by State Geographic Unit (cont'd)

State: Indiana
FFY: 2002

(1)		(2)			(3)			(4)			
No.	Geographic Sampling Unit (County)	Percent of Youth Under 18	No. of Tobacco Outlet Population		No. of Outlets Randomly Inspected in FFY 2002			No. of Outlets Found in Violation During Random Inspections			
			Over the Counter (OTC)	Vending Machines (VM)	Total Tobacco Outlets	Over the Counter (OTC)	Vending Machines (VM)	Total Tobacco Outlets	Over the Counter (OTC)	Vending Machines (VM)	Total Tobacco Outlets
21	Howard	25.6	92	0	92	12	0	12	4	0	4
22	Huntington	26.1	41	0	41	12	0	12	1	0	1
23	Jackson	25.5	60	0	60	12	0	12	1	0	1
24	Jay	27.0	38	0	38	11	0	11	1	0	1
25	Jennings	27.7	24	0	24	12	0	12	3	0	3
26	Johnson	27.2	107	0	107	12	0	12	1	0	1
27	Knox	22.9	53	0	53	12	0	12	1	0	1
28	Kosciusko	27.8	80	0	80	12	0	12	2	0	2
29	LaGrange	33.8	34	0	34	12	0	12	2	0	2
30	Lake	26.8	485	0	485	84	0	84	33	0	33
31	LaPorte	24.5	148	0	148	24	0	24	2	0	2
32	Lawrence	24.6	76	0	76	12	0	12	2	0	2
33	Madison	23.8	137	0	137	24	0	24	2	0	2
34	Marion	25.8	835	0	835	119	0	119	52	0	52
35	Marshall	28.1	59	0	59	12	0	12	0	0	0
36	Martin	25.2	20	0	20	8	0	8	2	0	2
37	Monroe	18.0	105	0	105	12	0	12	7	0	7
38	Montgomery	26.0	56	0	56	12	0	12	0	0	0
39	Morgan	27.2	67	0	67	12	0	12	0	0	0
40	Noble	29.0	44	0	44	12	0	12	0	0	0

Form 1: Summary of Tobacco Inspection Results by State Geographic Unit (cont'd)

State: Indiana
FFY: 2002

(1)		(2)				(3)				(4)			
No.	Geographic Sampling Unit (County)	Percent of Youth Under 18	Over the Counter (OTC)	Population Vending Machines (VM)	Total Tobacco Outlets	Over the Counter (OTC)	Inspected in FFY 2002	Vending Machines (VM)	Total Tobacco Outlets	Over the Counter (OTC)	During Random Inspections	Vending Machines (VM)	Total Tobacco Outlets
41	Owen	26.6	27	0	27	12	0	0	12	0	0	0	0
42	Perry	22.9	31	0	31	11	0	0	11	4	0	0	4
43	Porter	25.8	128	0	128	24	0	0	24	2	0	0	2
44	Putnam	23.6	39	0	39	12	0	0	12	2	0	0	2
45	Randolph	25.2	44	0	44	12	0	0	12	1	0	0	1
46	Rush	26.7	23	0	23	12	0	0	12	1	0	0	1
47	Saint Joseph	25.7	246	0	246	37	0	0	37	0	0	0	0
48	Scott	26.7	22	0	22	12	0	0	12	1	0	0	1
49	Spencer	26.5	21	0	21	12	0	0	12	0	0	0	0
50	Steuben	25.7	70	0	70	12	0	0	12	3	0	0	3
51	Switzerland	26.3	15	0	15	9	0	0	9	2	0	0	2
52	Tippecanoe	20.9	108	0	108	12	0	0	12	1	0	0	1
53	Tipton	25.0	21	0	21	12	0	0	12	2	0	0	2
54	Vanderburgh	23.1	162	0	162	24	0	0	24	2	0	0	2
55	Vigo	22.9	134	0	134	24	0	0	24	1	0	0	1
56	Warren	26.0	14	0	14	6	0	0	6	4	0	0	4
57	Washington	26.5	25	0	25	12	0	0	12	0	0	0	0
58	Wayne	24.2	102	0	102	12	0	0	12	1	0	0	1
59	White	25.8	45	0	45	12	0	0	12	1	0	0	1
60	Whitley	26.7	34	0	34	12	0	0	12	0	0	0	0
Total		25.9	5273	0	5273	1058	0	0	1058	202	0	0	202

Form 2: Calculation of Weighted Retailer Violation Rate - 2002
State: Indiana
FFY 2002

County	(1) Cluster (Geographic Sampling Unit)	(2) N Original Estimate of Outlet Population in Stratum	(3) n Original Sample Size	(4) n1 Number of Sample Outlets Found Eligible	(5) n2 Number of Outlets Inspected	(6) x Number of Outlets Found in Violation	(7) 82/N Primary Sampling Weight	(8) (Nn1)/(nn2) w Secondary Sampling Weight	(9) Final Weight (7)*(8)	(10) wx Weighted Number of Outlets in Violation	(11) wx Weighted Number of Outlets Inspected
Adams	1	27	12	12	12	1	3.04	2.25	6.83	6.83	82.00
Allen	2	80	12	12	12	0	1.00	6.67	6.67	0.00	80.00
	3	80	12	12	12	1	1.00	6.67	6.67	6.67	80.00
	4	79	12	12	12	2	1.00	6.58	6.58	13.17	79.00
Benton	5	19	15	12	12	0	4.32	1.27	5.47	0.00	65.60
Boone	6	49	17	12	12	1	1.67	2.88	4.82	4.82	57.88
Cass	7	49	12	12	12	2	1.67	4.08	6.83	13.67	82.00
Clark	8	43	12	12	12	2	1.00	3.58	3.58	7.17	43.00
	9	43	13	12	12	1	1.00	3.31	3.31	3.31	39.69
Clinton	10	36	13	12	12	0	2.28	2.77	6.31	0.00	75.69
Daviess	11	39	13	12	12	3	2.10	3.00	6.31	18.92	75.69
Decatur	12	29	14	13	13	4	2.83	2.07	5.86	23.43	76.14
Delaware	13	59	12	12	12	1	1.00	4.92	4.92	4.92	59.00
	14	59	12	12	12	3	1.00	4.92	4.92	14.75	59.00
Dubois	15	77	14	12	12	1	1.06	5.50	5.86	5.86	70.29

Form 2: Calculation of Weighted Retailer Violation Rate – 2002 (cont'd)

State: Indiana

FFY 2002

	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
Elkhart	16	52	12	12	12	0	1.00	4.33	4.33	0.00	52.00
	17	51	14	12	12	0	1.00	3.64	3.64	0.00	43.71
	18	51	13	12	12	9	1.00	3.92	3.92	35.31	47.08
Floyd	19	50	13	11	11	3	1.64	3.85	6.31	18.92	69.38
Fountain	20	34	15	12	12	8	2.41	2.27	5.47	43.73	65.60
Fulton	21	33	19	12	12	4	2.48	1.74	4.32	17.26	51.79
Grant	22	46	12	12	12	3	1.00	3.83	3.83	11.50	46.00
	23	46	14	12	12	2	1.00	3.29	3.29	6.57	39.43
Hamilton	24	55	12	12	12	2	1.00	4.58	4.58	9.17	55.00
	25	54	16	12	12	2	1.00	3.38	3.38	6.75	40.50
Harrison	26	6	6	5	5	0	13.67	1.00	13.67	0.00	68.33
Hendricks	27	79	14	12	12	2	1.04	5.64	5.86	11.71	70.29
Henry	28	76	15	12	12	1	1.08	5.07	5.47	5.47	65.60
Howard	29	92	13	12	12	4	1.00	7.08	7.08	28.31	84.92
Huntington	30	41	12	12	12	1	2.00	3.42	6.83	6.83	82.00
Jackson	31	60	12	12	12	1	1.37	5.00	6.83	6.83	82.00
Jay	32	38	18	11	11	1	2.16	2.11	4.56	4.56	50.11
Jennings	33	24	13	12	12	3	3.42	1.85	6.31	18.92	75.69
Johnson	34	107	15	12	12	1	1.00	7.13	7.13	7.13	85.60
Knox	35	53	12	12	12	1	1.55	4.42	6.83	6.83	82.00
Kosciusko	36	80	14	12	12	2	1.03	5.71	5.86	11.71	70.29
Lagrange	37	34	13	12	12	2	2.41	2.62	6.31	12.62	75.69
Lake	38	70	12	12	12	6	1.00	5.83	5.83	35.00	70.00
	39	70	13	12	12	7	1.00	5.38	5.38	37.69	64.62

Form 2: Calculation of Weighted Retailer Violation Rate – 2002 (cont'd)

State: Indiana
FFY 2002

	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
Lake (cont'd)	40	69	12	12	12	6	1.00	5.75	5.75	34.50	69.00
	41	69	12	12	12	3	1.00	5.75	5.75	17.25	69.00
	42	69	13	12	12	7	1.00	5.31	5.31	37.15	63.69
	43	69	12	12	12	2	1.00	5.75	5.75	11.50	69.00
	44	69	12	12	12	2	1.00	5.75	5.75	11.50	69.00
La Porte	45	74	13	12	12	1	1.00	5.69	5.69	5.69	68.31
	46	74	14	12	12	1	1.00	5.29	5.29	5.29	63.43
Lawrence	47	76	12	12	12	2	1.08	6.33	6.83	13.67	82.00
Madison	48	69	12	12	12	1	1.00	5.75	5.75	5.75	69.00
	49	68	14	12	12	1	1.00	4.86	4.86	4.86	58.29
Marion	50	84	13	12	12	4	1.00	6.46	6.46	25.85	77.54
	51	84	14	12	12	1	1.00	6.00	6.00	6.00	72.00
	52	84	15	12	12	2	1.00	5.60	5.60	11.20	67.20
	53	84	12	12	12	8	1.00	7.00	7.00	56.00	84.00
	54	84	14	12	12	3	1.00	6.00	6.00	18.00	72.00
	55	83	13	12	12	7	1.00	6.38	6.38	44.69	76.62
	56	83	15	12	12	4	1.00	5.53	5.53	22.13	66.40
	57	83	13	12	12	10	1.00	6.38	6.38	63.85	76.62
	58	83	12	12	12	11	1.00	6.92	6.92	76.08	83.00
	59	83	14	11	11	2	1.00	5.93	5.93	11.86	65.21
Marshall	60	59	15	12	12	0	1.39	3.93	5.47	0.00	65.60
Martin	61	20	14	8	8	2	4.10	1.43	5.86	11.71	46.86
Monroe	62	105	13	12	12	7	1.00	8.08	8.08	56.54	96.92
Montgomery	63	56	13	12	12	0	1.46	4.31	6.31	0.00	75.69

Form 2: Calculation of Weighted Retailer Violation Rate – 2002 (cont'd)

State: Indiana

FFY 2002

	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
Morgan	64	67	14	12	12	0	1.22	4.79	5.86	0.00	70.29
Noble	65	44	13	12	12	0	1.86	3.38	6.31	0.00	75.69
Owen	66	27	15	12	12	0	3.04	1.80	5.47	0.00	65.60
Perry	67	31	12	11	11	4	2.65	2.58	6.83	27.33	75.17
Porter	68	64	12	12	12	2	1.00	5.33	5.33	10.67	64.00
	69	64	12	12	12	0	1.00	5.33	5.33	0.00	64.00
Putnam	70	39	12	12	12	2	2.10	3.25	6.83	13.67	82.00
Randolph	71	44	12	12	12	1	1.86	3.67	6.83	6.83	82.00
Rush	72	23	12	12	12	1	3.57	1.92	6.83	6.83	82.00
Saint Joseph	73	82	13	12	12	0	1.00	6.31	6.31	0.00	75.69
	74	82	15	13	13	0	1.00	5.47	5.47	0.00	71.07
	75	82	18	12	12	0	1.00	4.56	4.56	0.00	54.67
Scott	76	22	13	12	12	1	3.73	1.69	6.31	6.31	75.69
Spencer	77	21	14	12	12	0	3.90	1.50	5.86	0.00	70.29
Steuben	78	70	14	12	12	3	1.17	5.00	5.86	17.57	70.29
Switzerland	79	15	14	9	9	2	5.47	1.07	5.86	11.71	52.71
Tippecanoe	80	108	12	12	12	1	1.00	9.00	9.00	9.00	108.00
Tipton	81	21	13	12	12	2	3.90	1.62	6.31	12.62	75.69
Vanderburgh	82	81	12	12	12	0	1.00	6.75	6.75	0.00	81.00
	83	81	13	12	12	2	1.00	6.23	6.23	12.46	74.77
Vigo	84	67	13	12	12	1	1.00	5.15	5.15	5.15	61.85
	85	67	16	12	12	0	1.00	4.19	4.19	0.00	50.25
Warren	86	14	10	6	6	4	5.86	1.40	8.20	32.80	49.20
Washington	87	25	12	12	12	0	3.28	2.08	6.83	0.00	82.00

Form 2: Calculation of Weighted Retailer Violation Rate – 2002 (cont'd)

State: Indiana

FFY 2002

	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
Wayne	88	102	14	12	12	1	1.00	7.29	7.29	7.29	87.43
White	89	45	13	12	12	1	1.82	3.46	6.31	6.31	75.69
Whitley	90	34	13	12	12	0	2.41	2.62	6.31	0.00	75.69
TOTALS		5273	1189	1058	1058	202				1203.96	6221.71
										Weighted: 19.35%	
										Unweighted: 19.09%	

Description of Columns:

1. Cluster number (primary sampling unit). If a county was selected for more than one cluster, total number of stores within county was divided evenly among clusters.
2. Number of stores in cluster.
3. Number of stores visited by inspection team.
4. Number of eligible stores visited by inspection team.
5. Number of stores inspected.
6. Number of stores where clerk was found willing to sell tobacco to juvenile.
7. The primary weight is the inverse of the county selection probability. Counties with greater than 82 stores received a weight of 1.00 since the county was selected with certainty.
8. The secondary weight is the inverse of the selection probability within the cluster.
9. The final weight is the primary weight multiplied by the secondary weight.
10. The final weight times the number of stores where clerk was found willing to sell tobacco to juvenile.
11. The final weight times the number of stores inspected.

The weighted violation rate is calculated by dividing the sum of the weighted number of violations in each cluster by the sum of the weighted total number of stores in each cluster. The unweighted violation rate is simply the total number of violations divided by the total number of inspections.

The weighted (corrected) standard error was calculated using WesVarPC, a software package developed by Westat to compensate for sample designs that are not simple random samples. Since this was not a multi-stage sample design, the replicate weights were generated in WesVar using the jackknife method (JK1).¹ The initial estimate of the standard error produced by WesVarPC was 0.0230.

Because the number of clusters used in the study (90) was such a large proportion of the total population of clusters available in the State (369), it is appropriate to use the finite population correction.² This adjustment is calculated by taking the square root of one minus the number of clusters used in the study divided by the total number of possible clusters, resulting in a correction factor of .8695. This is multiplied by the standard error produced by WesVarPC, resulting in a final standard error of 0.0200.

¹ Westat, Inc. *A User's Guide to WesVarPC*, Rockville, MD, 1997. (See Appendix A "Introduction to Replication Methods for WesVarPC" for details on proper calculation of replicate weights.)

² Henry, G. *Practical Sampling*, Sage Publications, Newbury Park, CA, 1990. (See pages 106-109 for a discussion of adjustments appropriate for cluster sampling.)

Form 3: Synar Survey Inspections Indiana FFY 2002		
Male	a. Attempted buys	b. Successful Buys
14 yrs	101	11
15 yrs	233	64
16 yrs	156	36
17 yrs	-	-
18 yrs	-	-
1. Subtotal	490	111
Female		
14 yrs	178	20
15 yrs	135	17
16 yrs	255	54
17 yrs	-	-
18 yrs	-	-
2. Subtotal	568	91
3. Other	-	-
4. Total	1,058	202

Question 8. *Describe the protocol for conducting random, unannounced inspections, including changes made in the inspection protocol, study dates, participant recruitment methods, study methodology, and address issues of inspection-related requirements and both juvenile safety and immunity from prosecution during inspections.*

Understanding of the Synar study protocol and how study dates are set and participants recruited and trained, as well as how issues of child safety and immunity from prosecution, are addressed benefits from a description of annual Synar study planning, which follows.

Study planning. Planning for the annual Synar study began on September 14, 2001, when the Assistant Deputy for Governmental Relations in the DMHA Office of Public Policy, who coordinates the Synar study, held a meeting with the Synar study director, the ATC Excise Police supervisor, and the Governor's Commission for a Drug-Free Indiana associate director of programs and grants program manager to set the 2002 study schedule and time-frames for accomplishing pre-study activities, as well as to discuss any fine-tuning that might be needed to improve the study. Particular attention was given this year on pre-study participant training and also on changes occurring as a result of the establishment of the Indiana Tobacco Prevention and Cessation agency

In October, minor modifications were made to the instruction manual to ready it for study training sessions. It was decided that no field staff meeting with Excise officers was necessary for this year's study, but the Synar Coordinator met with Governor's Commission Regional Coordinating system managers on October 25 to thank field staff for their Synar work, get feedback on the 2001 study, and to fill them in on the status of the Synar Amendment. On October 31, after selecting the random sample of vendors which would form the 2002 study, the study coordinator provided the list of counties which would be a part of the 2002 study to the Governor's Commission field staff so that participant recruitment and training could begin. On December 14, the names and addresses of vendors selected for the 2002 study was provided to the Excise Police, which meant that all the pieces were in place for the 2002 study to be undertaken.

Other components of preparing for the 2002 study. The 2002 Synar study preparation also included four other components, recruitment and pre-inspection participant training, tobacco vendor education and training, increasing awareness of the importance of attention to enforcement of youth tobacco access laws among Indiana school and anti-tobacco advocacy personnel, and recognizing the changing landscape around tobacco control as a result of the new Indiana Prevention and Cessation agency.

Recruitment, pre-inspection training and involvement of community-based groups. Again this year, all youth and adult participants were recruited and screened by Governor's Commission staff, assisted by numerous community-based organizations, including the Commission's Local Coordinating Councils (LCC's) and the CDC-funded Smokefree Indiana. The Regional Coordinating system supports the LCC's, which make up a statewide system of anti-drug coalitions in which community groups and individual with an interest in reducing illegal drug and alcohol use in their area participate. Representation on LCC's includes not only health-promoting groups, but law enforcement and other justice system representatives. Pre-inspection training is provided both adult and youth participants by the staff of the Governor's

Commission for a Drug-Free Indiana Regional Commission system, in conjunction with the ATC Excise Police.

Vendor training. During SFY 2002, the Synar study coordinator worked with Alcohol and Tobacco Commission and Governor's Commission for a Drug-Free Indiana staff on a series of three regional vendor education workshops, originally planned for early February and carried out March 18, 19 and 20 at three locations, one in central Indiana, one in northern Indiana and one in southern Indiana. Training was done by an Excise Police trainer, the Governor's Commission arranged for training locations, materials, invitations, and refreshments, and DMHA arranged for the Synar vendor list to be shared for invitation purposes. DMHA also invested \$3,000 in printing posters highlighting youth tobacco access laws developed the previous year to educate vendors. This year, the posters were distributed to vendors at the community level through Governor's Commission Local Coordinating Council (LCC) community volunteers, including youth.

Increasing awareness of Synar goals among school personnel and Indiana anti-tobacco advocacy organizations. In October, the Synar coordinator developed a one-page flyer explaining Synar and its importance for distribution at the October 9-11 Indiana School Nurse conference, which was held in Columbus, Indiana, and attended by approximately 1,000 school nurses from all over the State. In September, the Synar Coordinator spoke before Tobacco Smart's policy board. Tobacco Smart has operated on a one-year Robert Wood Johnson Foundation Smokeless States grant, which is expiring September 19, 2002, to advocate on behalf of tobacco control in Indiana. On April 10, the Synar Coordinator met with the director of Drug-Free Marion County, working on a proposal to share Synar information with the Marion County (Central Indiana) Local Coordinating Committee, which plays a major role in addressing anti-drug issues in the area.

Recognizing the changing tobacco control landscape. On November 19, the Indiana Tobacco Prevention and Cessation agency (ITPC) organized a "Youth Access to Tobacco Retreat" to heighten awareness about changes occurring in the Indiana tobacco control arena resulting from its establishment and the consequent availability of a new source of funds to support youth tobacco access law enforcement and tobacco use prevention efforts. The all-day meeting was facilitated by Jack Claypool of Columbia, South Carolina, and attended by the ATC Excise Superintendent and Excise Police Supervisor, the ATC Commissioner, the DMHA Director, Deputy Director for Public Policy, and Synar Coordinator, the ITPC Executive and Assistant Directors, and the Governor's Commission for a Drug-Free Indiana legislative liaison. Nicole Boyd, with the Partnership for a Healthy Mississippi, was a call-in participant. The agenda fostered communication between DMHA and the other State agencies with responsibilities in enforcing youth tobacco access laws and in preventing youth initiation of tobacco use and included roles and responsibilities of each organization, discussion of Synar and TRIP and agency relationships, and a discussion of ITPC's plans for the coming year, particularly in regard to the public awareness.

Study Protocol. 1996 Indiana State law establishes the Division of Mental Health and Addiction's responsibility for coordinating the study to meet Synar Amendment requirements (IC 7.1-6-2-2) and allows a juvenile to work in youth tobacco access law enforcement inspections under the supervision of a law enforcement officer (IC 7.1-6-2-4) while retaining immunity from

prosecution. In 1996, in collaboration with the Governor's Commission for a Drug-Free Indiana, the then Alcoholic Beverage Commission Excise Police, the Indiana State Department of Health, the Office of the Indiana Attorney General, and the Indiana Prevention Resource Center at Indiana University, DMHA developed standardized procedures, approved by the Center for Substance Abuse Prevention (CSAP) for conducting the study. The 2002 Synar study was carried out between March 2 and June 1, 2002. The 2001 study was carried out between February 3 and April 18, 2001.

Indiana's protocol for conducting the annual Synar study has not changed over the past four years and is described in the attached Instruction Packet, Attachment B. The study methodology involves measuring Indiana tobacco retailers' willingness to sell tobacco products to juveniles (unconsummated sales), not actual sales. Because Indiana does not have tobacco vendor licensure or registration, we rely on a purchased vendor list, which has been screened and modified for the past two-and-one-half years using information from other sources, most recently relying on information gained during TRIP inspections. As in the past, color-coded forms are used, vendor name and address information for each of the 1100 "primary" vendors chosen as the random sample transferred to an off-white-colored Tobacco Dealer Inspection Form, and the same information on each of the 1100 "secondary" vendors transferred to a white-colored form. Throughout the planning period and the study itself, care is taken to keep the identifies of the vendors and the counties confidential, except to those with a "need to know," and the inspection teams are unaware of their destinations until the inspections occur. Attempts are also made each year to vary the study schedule to assure that the results are as representative of real-life tobacco sales situations as possible.

Study teams consist of two juveniles, one Excise Officer and an adult monitor. Strong efforts are made to link female youth with female adults monitors, and strong efforts are also made to recruit youth who "look their age," as well as equal numbers of youth in both genders and all three age groups (15, 16 and 17). Study participants from more populous counties are assigned to the county where they reside, and study participants in more rural areas are assigned to neighboring counties where possible, with care taken to discontinue inspection visits if the youth is acquainted with someone in the outlet at the time of the inspection to protect the team's anonymity and to avoid a potential confrontation. All Synar youth participants are required to provide signed Parent/Guardian Permission and Youth Assent forms, and adult participants are required to sign an Adult Waiver form releasing the State from liability related to inspection activities. To further safeguard the safety of juvenile inspectors, a number of instructions are part of the study protocol, including 1) that the youth participants are to be under continual observation by either the adult monitor or the Excise Officer at all times, 2) that if the youth perceives any problems during an inspection, including inappropriate behavior on the part of the clerk or other store employee, he/she is to notify the Excise Officer immediately and/or leave the store, 3) that if such an incident occurs, when the youth returns to the vehicle, the monitor is to lock the vehicle doors, and the Excise Officer is to intervene with the clerk, and 4) if any emergency or threatening incident occurs, the Excise Officer will follow standard Excise safety procedure and can impose one of several State laws if necessary, including IC 35-45-2-1, Intimidation, IC 35-42-2-2, Harassment; IC 35-45-1-3, Disorderly Conduct, and IC 35-42-2-1, Battery.

The protocol requires that under the supervision of the Excise Officer and the guidance of the

adult monitor, the two juveniles on each team alternative in attempting to purchase tobacco products at retail sites on the primary lists for which the team has pre-printed "Tobacco Dealer Inspection Forms". The 1100 randomly selected primary vendors can be visited in any order, but secondary vendors are substituted for primary vendors in the order in which they are provided when primary vendor sites are determined by the inspection team 1) not to sell tobacco products, 2) to no longer be in business, or 3) to sell tobacco products only in areas inaccessible to juveniles, i.e., taverns, bars, and liquor stores. Although technically "off limits" to juveniles, again this year, Indiana included retailers who "primarily" sell tobacco products and have posted a sign that it is illegal for youth under age 18 to enter the establishment, since the designation of who is a "primary" tobacco vendor has been left up to the retailers themselves.

Youth are instructed to attempt to purchase a tobacco product which is "popular" with young people in the area in which they are inspection, including certain brands of cigarettes and chewing tobacco and cigars. Discussion is held among team members as to what type of tobacco product is most appropriate for purchase. Since the study evaluates vendors' willingness to sell tobacco products to youth, not actual sales, and since vendors do not all have the same procedures in place, youth are given precise instructions on when to consider that the clerk is willing to sell and to complete the inspection. The youth do not determine that the clerk is willing to sell until they are asked to pay for the product, at which time the youth "realizes" that he/she has insufficient money to pay for the product and leaves the business establishment.

Synar inspection youth are instructed not to carry identification and to leave their identification with the adult monitor during inspections. Youth are also instructed to answer truthfully if asked if they have proof of identification or for their age and not to pressure the clerk into selling them the tobacco product, but to readily accept a clerk's refusal and terminate the inspection. The Excise Officer precedes the youth when entering inspected business establishments. Adult monitors are instructed to enter the establishment with the youth only in certain situations, e.g., in a situation in which the officer is known by store employees or in which the race/ethnicity of the monitor is less likely to draw unusual attention to the team than the race/ethnicity of the officer.

Excise Officers and youth participants work together to complete inspection reports immediately after each completed inspection, and care is taken to assure that all data fields are completed. For the 2002 study, all vendor inspection forms were turned into the ATC Excise Police Central Office and logged prior to delivery of batches of forms to the Synar study director, who remains under contract with the Indiana Prevention Resource Center at Indiana University to supervise the study. Interim inspection reports to the Synar coordinator only include number of inspections completed and not inspection results, and no interim inspection reports were provided to anyone except the Synar coordinator and DMHA management. All forms were turned in to the study director shortly after the study's completion the first of June, and inspection results were entered into the master electronic database used to write the study report. Because verification of study results analysis technique was requested this year and not obtained until August 8, verification of the weighted noncompliance rate was not obtained until that date. The entire study database is transferred to DMHA upon finalization of the report.

Vendor Notification of Study/Publicity on Study Results. After the Synar study report is finalized, letters are sent out to all inspected vendors informing them of the outcome of their inspection and of the study and referring vendors found "willing to sell" to the Indiana Coalition

for Responsible Tobacco Retailing and the Indiana Alcohol and Tobacco Commission for training on youth tobacco access laws. Information on the results of the study is also released to the media. This year, plans are to release the information jointly with the Indiana Tobacco Prevention and Cessation agency.

SECTION II

FFY 2003 Intended Use:

In 2-5 pages, describe the State's plans to achieve the interim target rate for FFY 2003 (Part 96.130 (e) (4)). Describe the State's strengths and challenges it faces in complying with the Synar requirements.

Indiana Strengths

National Recognition for Indiana Tobacco Control Efforts. It is important to note that this year, Indiana has received national recognition for increasing its cigarette excise tax* and maintaining funding for the Indiana Tobacco Use Prevention and Cessation Trust Fund through Master Tobacco Settlement Agreement dollars. As a result of increasing its cigarette excise tax, Indiana moved from the eighth lowest to the 21st highest among the States. The Indiana Tobacco Prevention and Cessation Agency (ITPC) has been established to administer programs to prevent and reduce use of tobacco products in Indiana and to protect citizens from exposure to tobacco smoke. A report issued July 22 by the American Lung Association, American Cancer Society, American Heart Association and Campaign for Tobacco-Free Kids "praised Indiana's leaders for continuing to use \$32.5 million a year...to fund a tobacco prevention program despite pressures to cut funding because of a budget shortfall. Indiana ranks sixth in the Nation in funding tobacco prevention, the same ranking it held when the health groups released their most recent previous report in January. Indiana currently spends 93.4% of the minimum amount of \$34.8 million that the U.S. Centers for Disease Control and Prevention has recommended," according to a U.S. Newswire release dated July 22. The report found that "Indiana is one of only four States, along with Maine, Maryland and New Jersey, praised as national leaders" at a time when States are reducing their spending on tobacco prevention by a combined total of 13%.

Well-Developed Prevention System. Another strength is Indiana's well-developed alcohol, tobacco and other drug (ATOD) prevention system. The Indiana Criminal Justice Institute's Governor's Commission for a Drug-Free Indiana has worked diligently since 1990 to establish a statewide system of Local Coordinating Councils to mobilize communities toward reduction/elimination of drug and alcohol abuse in the State and to assure that comprehensive alcohol and drug abuse programs are available to Indiana residents. Since the inception of the Synar program, the Commission and its system has played a key role in mobilizing for the study and in educating merchants and the public about youth tobacco access laws. For many years, DMHA's SAPT block grant-funded after-school programs for middle-school children all over the State have brought ATOD curricula to youngsters and assisted in informing youngsters of the dangers of tobacco use. Also for many years, the Indiana Department of Education (DOE) has included tobacco information as part of standard health education curricula and has discouraged student tobacco use through expulsion and suspension policies, required tobacco education classes at some schools for students breaking these policies, and a variety of coordinated efforts with local law enforcement. Lastly, the community anti-tobacco programs funded beginning this

* One of 18 States which increased cigarette excise taxes in 2002, according to an analysis by the American Lung Association as reported in the August 12 *U.S. Newswire*.

year by the Indiana Tobacco Prevention and Cessation Agency (ITPC) are already establishing themselves as an important part of the prevention arena.

Positive 2002 Synar Study Results. It is also important to note that this year, Indiana measured a 19.35% Synar noncompliance rate, meeting its federally established Synar target and reflecting the success of increased enforcement of youth tobacco access laws all over the State and of the hard work and commitment of many Hoosiers.

Indiana Challenges

Notwithstanding the strengths identified above, Indiana continues to face challenges in meeting its Synar targets, the most significant of which are retention of Master Tobacco Settlement Agreement funding for the Indiana Tobacco Use Prevention and Cessation Trust Fund during the 2003 session of the Indiana General Assembly and high tobacco use rates among the Indiana population.

SFY 2004-'05 budget. It is important for ITPC to retain its leadership role in Indiana to continue to carry out plans initiated in SFY 2001-2003 to prevent and reduce use of tobacco products to assure that Synar goals continue to be met. In the 2002 session of the Indiana General Assembly, Indiana was one of 18 States which increased their tobacco excise taxes. During the coming session of the Indiana General Assembly, which begins in January, ITPC's budget for SFY 2004-2005 will be considered, and if approved at a level allowing continued implementation of the long-range plan established during its first year, statewide enforcement of youth tobacco access laws will continue, contributing to changes in the Indiana cultural norms

High Indiana Adult Smoking Prevalence. One of the challenges Indiana faces in meeting Synar requirements is that Indiana still has high cigarette use rates for both youth and adults. The 2002 Behavior Risk Factor Surveillance Survey (BRFSS) identified Indiana as having the fourth highest **adult** smoking rate among the United States, at 26.7%, compared with a national average of 23.2%, and that Hoosier men and women both have higher than the national average smoking rates♠. An analysis of BRFSS data from 1991 to 2000, published in the May 22-29, 2002, issue of *JAMA (Journal of the American Medical Association)*, shows Indiana to be above the median percentage of the fifty States in both 1991 and 2000 and by a greater percent in 2000 than in 1991♥.

High Youth Smoking Prevalence. Although findings from the 2002 Indiana Prevention Resource Center (IPRC) study, "Alcohol, Tobacco and Other Drug Use by Indiana Children and Adolescents," published in August, 2002, indicate that "tobacco use continued to decrease among nearly all grades and most measures of prevalence, including lifetime, annual, monthly and daily and that use of cigars by youth decreased among all grades and for all measures," tobacco use by Indiana youngsters still exceeds national averages.

Findings from the Centers for Disease Control and Prevention's (CDC) 2001 Youth Risk Behavior Survey (YBRs), released in May, indicate that 28.5% of high school students in the

♠ Smoking rates for Hoosier men: 28.4%, compared to national average of 24.2%; Hoosier women: 25.5%, compared with national average of 21.2%.

♥ 1991: Indiana: 22.2%, national median: 21.8%; 2000: Indiana: 23.3%, national median: 20.7%.

United States currently smoke, down from 36.4% in 1997, and that lifetime smoking rates♣ had also declined for high school students, from 70.4% in 1999 to 63.9% in 2001. The report's findings were considered consistent with other national surveys suggesting that dramatic smoking-rate increases of the mid- to early-1990's are being reversed♦. Data from the 2000 Youth Tobacco Survey (YTS), conducted by SmokeFree Indiana, indicates that although slightly below the national average for 6th to 8th graders, Indiana exceeds the national rate of cigarette smoking for 9th to 12th graders by 3.6%, at 31.6%. The IRPC study cited above, based on data collected in 2002, found that 14.6% of Indiana 10th grade students report daily cigarette use, compared with 12.2% of students across the country. Concerning monthly use, 23.1% of Indiana 10th grade students reported lifetime use of cigarettes, compared with 21.3% of students across the United States. Use of smokeless tobacco was also found to be above the national average in some grades in 2002, with, for example, 2.7% of Indiana 10th grade students reporting daily use, compared with 2.2% across the country. It is clear that work remains to address use of tobacco products in Indiana and changing the acceptability of such use.

Sampling Methodology and Inspection Procedures. No changes are planned in study sampling methodology or inspection procedures, described in responses to Questions 6-8.

Indiana Plan to Achieve FFY 2003 Synar Target

The **Indiana Tobacco Use Prevention and Cessation Executive Board and the Indiana Tobacco Prevention and Cessation Agency (ITPC)** were established in 2000 through Indiana's portion of the 1998 Master Tobacco Settlement Agreement funding and currently administer an annual budget of \$32.5 million through SFY 2003. The Executive Board and ITPC have taken the lead in establishing tobacco control programs throughout the State, including maintaining the **Indiana Tobacco Retailer Inspection Program (TRIP)**, established by DMHA in 2000 through Food and Drug Administration funding to provide a statewide youth tobacco access law enforcement presence. TRIP has had a significant impact on Indiana's tobacco vendor noncompliance rate, which declined between SFY 2001 and SFY 2002 from 24.5% to 19.35% in a year during which TRIP enforcement inspections increased from an average of 326 per month to an average of 530 per month. Additionally over the past year, ITPC has implemented other initiatives which are also beginning to have an impact on Indiana norms concerning tobacco use, including establishment of community tobacco control programs in all Indiana counties and initiating a large public awareness campaign about the dangers of tobacco use.

Indiana's Plan

Following is information constituting Indiana's plan to meet FFY 2003 Synar requirements, including a federally established noncompliance target of no greater than 20%. The plan includes the importance of legislative initiatives which would support Synar compliance, ITPC initiatives which were detailed in Indiana's FFY 2002 Synar report and which are continuing in SFY 2003, and a number of other efforts which will continue to support Indiana Synar compliance.

♣ Lifetime defined as "having tried cigarette smoking".

♦ PRIDE survey released in August, 2002, indicated that the percentage of high school students reporting past month tobacco use had dropped from 31% in 2001 to 26% in 2002, and similar declines were seen among junior high school students.

Legislative Initiatives. ITPC is in the second year of its biennial appropriation, and the coming legislative session, which begins in January, is important for the continuation into SFY 2004 and SFY 2005 of work begun over the past year-and-one-half. It is expected that attempts will be made again this year by the American Cancer Society and other health-promoting groups to find support for a measure requiring tobacco vendor licensure or registration, and it is clear that efforts will be strong to maintain funding for the Indiana Tobacco Use Prevention and Cessation Trust Fund on which the ITPC's activities rely. Synar study planning will be getting underway in September.

ITPC Initiatives. During the past year, ITPC has carried out its plan to establish **community programs**, including diverse partnerships, to protect Hoosiers from exposure to environmental tobacco smoke, reduce youth initiation and access to tobacco and promote and use cessation resources through its community programs and minority, Statewide, regional and pilot projects. The ITPC is operating on "Indiana's Best Practice Model," which includes four priority areas: Building Strong Community-Based Partnerships, Including Diverse Partnerships, Protecting Hoosiers from Exposure to Environmental Tobacco Smoke, Reducing Youth Initiation and Access to Tobacco, and Promoting and Using Cessation Resources. Besides support for community programs, tobacco control partnerships, and enforcement of youth tobacco access laws, ITPC is investing funds in counter-marketing through a \$7 million **public awareness media campaign**, including a website at <http://www.WhiteLies.tv>, media advocacy, health-promotion events and sponsorships for the purpose of decreasing youth smoking rates.

As of June, 2002, ITPC had approved \$7.5 million in funding for 88 of the 92 Indiana counties' community program plans, and approximately half of ITPC-funded community programs are said to be addressing **youth tobacco access law enforcement** in their local areas. As of June, 2002, 25 minority-based programs representing 19 of the 29 counties designated for minority program status had received a total of \$2.5 million, and 20 Statewide, regional and pilot programs had received a total of \$6.5 million for projects using evidence-based or innovative tobacco prevention and cessation methods for youth and adults. The total of these efforts represents 95% of the \$18 million budget allocated to all of ITPC's community-based programs. These projects and programs will continue during SFY 2003.

Other Efforts Supporting Synar Compliance

- **Continuation of Non-ITPC Funded County Youth Tobacco Access Law Enforcement Initiatives.** Over the past several years, Indiana's plan has included a number of county-based youth tobacco access law enforcement programs which were supported by a variety of funding sources. This year's response to Question # 5 includes information on three such "long-standing" programs, two of which will continue in SFY 2004 through ITPC funding. It is expected that the energy created by ITPC funding will stimulate other new locally-drive youth tobacco access law enforcement projects, some of which will be a part of ITPC's community programs and others which will be independent.
- **Continuation of ISEP Enforcement of Youth Tobacco Access Laws.** As described in the response to Question #5, this year, the Indiana Alcohol and Tobacco Commission (ATC) also increased enforcement of youth tobacco access laws through the Indiana State Excise Police,

which more than doubled tobacco-related arrest tickets between SFY 2001 and SFY 2002, from 451 to 960, and also more than doubled tickets to juveniles for possession of tobacco, from 421 in SFY 2001 to 884 in SFY 2002. Tobacco has become priority, and the ISEP effort is planned to continue during SFY 2003.

- **Continuation of ATC Tobacco Vendor Education/Support for Abiding By Youth Tobacco Access Laws.** Early in SFY 2002, the ATC finalized its combined youth alcohol and tobacco sales signage project, and materials were distributed to Indiana retailers beginning early in Calendar Year 2002 at a variety of events. These materials, which include not only signs but "penny savers" and decals in both Spanish and English and in different sizes, continue to be distributed through ISEP district offices and retail associations and at events including Indiana Black Expo and the Indiana State Fair during SFY 2003.

As also mentioned in the response to Question #5, during SFY 2002, as part of their memorandum of understanding with the ITPC, ATC staff conducted 538 training sessions all over Indiana for restaurant personnel, convenience store and gas station clerks, reaching more than 10,500 individuals and promoting their "ID on Demand" message. During this same period, ATC has encouraged use of its statewide toll-free telephone number, 1-866-2STOPEM, on which the public can report retailers known to be selling tobacco products to underage youth, although use of the line has been minimal. Additionally, ATC has trained "close to" 200 law enforcement candidates on tobacco sales laws as part of routine Indiana Law Enforcement Academy training. During this period, ATC has also worked closely with ITPC-funded community-based enforcement programs to provide training on proper inspection procedures. These activities will continue through the end of SFY 2003.

- **We Card Program.** It is also understood that during this period, the Indiana Coalition for Responsible Tobacco Marketing will continue to make "We Card" vendor training available to Indiana tobacco retailers.
- **Afternoons R.O.C.K.** DMHA will continue to support provision of alcohol, tobacco and other drug (ATOD) prevention education through its system of 14 local coalitions overseeing after-school programs for youth aged 10-14 and its system of 16 grassroots coalitions overseeing ATOD prevention services in their communities. In SFY 2002, Afternoons R.O.C.K. served 14,747 youngsters, and plans are to continue the effort in SFY 2003.
- **L.E.A.D. Initiative.** Beginning in late SFY 2002 and going into SFY 2003, DMHA is funding Geminus Corporation to administer the L.E.A.D. Initiative (Leading and Educating Across Domains), which trains youth leaders who are members of youth leadership organizations in ATOD prevention, through funds from the federal Safe and Drug-Free Schools and Communities program. SFY 2001 was the last year for funding of Indiana Teen Institute, identified in last year's Synar report.
- **Indiana Prevention Resource Center (IPRC) at Indiana University.** DMHA will continue to fund the IPRC to produce its annual survey of youth alcohol, tobacco and other drug use and to serve as a national resource for ATOD prevention efforts.
- **Indiana State Department of Health (ISDH).** The ISDH will continue to operate programs addressing decreasing of tobacco use among pregnant women, public education on the dangers of tobacco use and smoking cessation for the general public. The ISDH will also continue to administer the Centers for Disease Control and Prevention-funded Smokefree Indiana, which has refocused its efforts during SFY 2003 on reduction of tobacco use at Indiana institutions of

higher education and by students of these colleges and universities.

- **Governor's Commission for a Drug-Free Indiana.** The Indiana Criminal Justice Institute's Governor's Commission will continue to support community anti-drug coalitions and to encourage the coalitions in including youth tobacco use as a top priority and in considering support for tobacco vendor licensure or registration and for increasing penalties for vendor sale of tobacco products to youth. The Commission will also continue to recruit youth and adult monitors for the Synar study through its Regional Coordinating system and will work with DMHA on local projects supporting vendor education and Synar compliance.
- **American Cancer Society (ACS), Great Lakes Division.** The ACS Great Lakes Division will continue to work in support of legislation to retain funding for the Indiana Tobacco Prevention and Cessation Agency and for licensure or registration for tobacco retailers, as well as for increasing penalties for tobacco sales to underage youth.
- **American Heart Association, Midwest Affiliate (AHA) and American Lung Association of Indiana (ALA).** The AHA and ALA will continue to work in support of legislation to retain funding for the Indiana Tobacco Prevention and Cessation Agency. (Funding for Tobacco Smart Indiana, which established a coalition of the ACS, AHA and ALA on behalf of increasing cigarette excise taxes, ceases in September of 2002).
- **Indiana Department of Education (DOE).** The Indiana Department of Education (DOE) will continue to enforce its policies of school expulsions and suspensions for underage student tobacco use.
- **Indiana Tobacco Prevention and Cessation Agency (ITPC).** ITPC will, in addition to funding statewide youth tobacco access law enforcement through the Indiana TRIP, address the Centers for Disease Control and Prevention's other best practice guidelines for comprehensive tobacco control programs, including community interventions, chronic disease programs, school programs, statewide programs, counter-marketing, cessation and surveillance and evaluation.
- **DMHA** will continue to administer conduct of the Synar study, contract through Memorandum of Understanding (MOU) with the Indiana Alcohol and Tobacco Commission for supervision of the Synar study, and contract through an MOU with the Indiana Criminal Justice Institute's Governor's Commission for a Drug-Free Indiana for recruitment of Synar youth and adult participants and for locally-based projects supporting Synar efforts.

Attachments

Attachment A

Special Session *Tobacco Products Tax*

SOURCE: IC 6-7-2-7; (02)EH1001.3.138. --> SECTION 138. IC 6-7-2-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 7. A tax is imposed on the distribution of tobacco products in Indiana at the rate of ~~fifteen~~ **eighteen** percent (~~15%~~) (**18%**) of the wholesale price of the tobacco products. The distributor of the tobacco products is liable for the tax. The tax is imposed at the time the distributor:

- (1) brings or causes tobacco products to be brought into Indiana for distribution;
- (2) manufactures tobacco products in Indiana for distribution; or
- (3) transports tobacco products to retail dealers in Indiana for resale by those retail dealers.

SOURCE: IC 6-7-2-13; (02)EH1001.3.139. --> SECTION 139. IC 6-7-2-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 13. A distributor that files a complete return and pays the tax due within the time specified in section 12 of this chapter is entitled to deduct and retain from the tax a collection allowance of ~~one percent (1%)~~ **six-thousandths (0.006)** of the amount due. If a distributor files an incomplete report, the department may reduce the collection allowance by an amount that does not exceed the lesser

- 1) ten percent (10%) of the collection allowance; or
- 2) fifty dollars (\$50)

Cigarette Excise Tax

SOURCE: IC 6-7-1-12; (02)EH1001.3.135. --> SECTION 135. IC 6-7-1-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 12. (a) The following taxes are imposed, and shall be collected and paid as provided in this chapter, upon the sale, exchange, bartering, furnishing, giving away, or otherwise disposing of cigarettes within the State of Indiana:

(1) On cigarettes weighing not more than three (3) pounds per thousand (1,000), a tax at the rate of ~~seven hundred seventy-five thousandths of a cent (\$0.00775)~~ **two and seven hundred seventy-five thousandths of a cent (\$0.02775)** per individual cigarette.

(2) On cigarettes weighing more than three (3) pounds per thousand (1,000), a tax at the rate of ~~one and three-hundredths of a cent (\$0.0103)~~ **three and six thousand eight hundred eighty-one ten-thousandths of a cent (\$0.036881)** per individual cigarette, except that if any cigarettes weighing more than three (3) pounds per thousand (1,000) shall be more than six and one-half (6 1/2) inches in length, they shall be taxable at the rate provided in subdivision (1), counting each two and three-fourths (2 3/4) inches (or fraction thereof) as a separate cigarette.

(b) Upon all cigarette papers, wrappers, or tubes, made or prepared for the purpose of making cigarettes, which are sold, exchanged, bartered, given away, or otherwise disposed of within the state of Indiana (other than to a manufacturer of cigarettes for use by him in the manufacture of cigarettes), the following taxes are imposed, and shall be collected and paid as provided in this chapter:

- 1) On fifty (50) papers or less, a tax of one-half cent (\$0.005).
- 2) On more than fifty (50) papers but not more than one hundred (100) papers, a tax of one cent (\$0.01).
- 3) On more than one hundred (100) papers, one-half cent (\$0.005) for each fifty (50) papers or fractional part thereof.
- 4) On tubes, one cent (\$0.01) for each fifty (50) tubes or fractional part thereof.

SOURCE: IC 6-7-1-17; (02)EH1001.3.136. --> SECTION 136. IC 6-7-1-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 17. (a) Distributors who hold certificates and retailers shall be agents of the state in the collection of the taxes imposed by this chapter and the amount of the tax levied, assessed, and imposed by this chapter on cigarettes sold, exchanged, bartered, furnished, given away, or otherwise disposed of by distributors or to retailers. Distributors who hold certificates shall be agents of the department to affix the required stamps and shall be entitled to purchase the stamps from the department at a discount of ~~four one and two-tenths~~ percent (~~4%~~) **(1.2%)** of the amount of the tax stamps purchased, as compensation for their labor and expense.

(b) The department may permit distributors who hold certificates and who are admitted to do business in Indiana to pay for revenue stamps within thirty (30) days after the date of purchase. However, the privilege is extended upon the express condition that:

(1) except as provided in subsection (c), a bond or letter of credit satisfactory to the department, in an amount not less than the sales price of the stamps, is filed with the department; and
(2) proof of payment is made of all local property, state income, and excise taxes for which any such distributor may be liable. The bond or letter of credit, conditioned to secure payment for the stamps, shall be executed by the distributor as principal and by a corporation duly authorized to engage in business as a surety company or financial institution in Indiana.

(c) If:

(1) there is an increase in the amount of the tax imposed upon cigarettes under this chapter; and

(2) a distributor has at least five (5) consecutive years of good credit standing with the state as of the effective date of the tax increase described in subdivision (1); the amount of the bond required by subsection (b)(1) remains the same as before the increase in the tax on cigarettes took effect.

SOURCE: IC 6-7-1-28.1; (02)EH1001.3.137. --> SECTION 137. IC 6-7-1-28.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE AUGUST 1, 2002]: Sec. 28.1. The taxes, registration fees, fines, or penalties collected under this chapter shall be deposited in the following manner:

(1) ~~Seven thirty-firsts (7/31)~~ Six and six tenths percent (6.6%) of the money shall be deposited in a fund known as the cigarette tax fund.

(2) ~~One thirty-first (1/31)~~ Ninety-four hundredths percent (0.94%) of the money shall be

deposited in a fund to be known as the mental health centers fund.

(3) ~~Fourteen thirty-firsts (14/31)~~ **Eighty-three and ninety-seven hundredths percent (83.97%)** of the money shall be deposited in the state general fund.

(4) ~~Nine thirty-firsts (9/31)~~ **Eight and forty-nine hundredths percent (8.49%)** of the money shall be deposited into the pension relief fund established in IC 5-10.3-11.

The money in the cigarette tax fund, the mental health centers fund, or the pension relief fund at the end of a fiscal year does not revert to the state general fund. However, if in any fiscal year, the amount allocated to a fund under subdivision (1) or (2) is less than the amount received in fiscal year 1977, then that fund shall be credited with the difference between the amount allocated and the amount received in fiscal year 1977, and the allocation for the fiscal year to the fund under subdivision (3) shall be reduced by the amount of that difference.

2002 Regular Session

Senate Enrolled Act 491

SECTION 1. IC 24-3-3.5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 1999 (RETROACTIVE)]:

Chapter 3.5. Tobacco Qualified Escrow Fund Proceedings

Sec. 1. Notwithstanding any other provision of law, for any official purpose, including enforcing IC 24-3-3 or a judgment in a civil action based on IC 24-3-3, the attorney general may disclose information obtained under IC 24-3-3-11 or IC 24-3-3-14.
Sec. 2. The attorney general is entitled to reasonable attorney's fees from a tobacco manufacturer in settlement of matters related to IC 24-3-3, or as a remedy for an adjudicated violation of IC 24-3-3.

SECTION 2. An emergency is declared for this act.

House Enrolled Act 1005

SOURCE: IC 35-45-3-3; (02)HE1005.1.1. --> SECTION 1. IC 35-45-3-3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]:

Sec. 3. A person who throws from a moving motor vehicle:
(1) a lighted cigarette, cigar, or match; or

(2) other burning material; commits a Class A infraction.

Attachment B

2002 Instruction Packet

SYNAR COMPLIANCE INSPECTION STUDY ON YOUTH ACCESS TO TOBACCO

1. Introduction
2. Training/Lesson Plan
3. General Instructions
4. Instructions for Youth Participants
5. Instructions for Adult Monitors
6. Instructions for Excise Officers
7. Check List for Governor's Commission RCO Staff
8. Inspection Outing Information Sheet
9. Parent/Guardian Permission and Youth Assent Form
10. Adult Waiver
11. Inspection Form

2002 Synar Study To Be Completed By April 30, 2002

SYNAR COMPLIANCE INSPECTION STUDY ON YOUTH ACCESS TO TOBACCO

Introduction

Indiana law makes it illegal to sell cigarettes and other tobacco products to persons under the age of 18. Although the 2001 Indiana Prevention Resource Center survey, *Alcohol, Tobacco, and Other Drug Use By Indiana Children*, reported that "Indiana has seen a significant improvement in its youth tobacco rates over the past four years," most notably in grades 7th through 10th, tobacco use by Indiana youth still exceeds national averages.³ The 2001 report also noted that the decreases coincide "with new initiatives to increase retailer compliance with laws restricting youth access to tobacco products".⁴ Indiana ranks fourth in the Nation in adult smoking, however, according to the Behavioral Risk Factor Surveillance System conducted by the Center for Disease Control and Prevention.⁵

In 1996, the first Division of Mental Health and Addiction*-organized statewide compliance inspection study of Indiana tobacco vendors indicated that 40.9% of retailers were willing to sell tobacco products to youth under the age of 18. The number dropped to 24.3% in 1997, rose slightly to 26.0% in 1998, increased to 27.9% in 1999 and decreased to 21.7% in 2000. In 2001, 26% of Indiana tobacco vendors were willing to sell tobacco products to underage youth.

The history of this concerted effort to reduce youth ability to purchase tobacco products in the State of Indiana goes back to 1992, when the U.S. Congress passed the Synar Amendment. This federal law, codified as 45 C.F.R Part 96 and for which rules were published in 1996, requires all States to:

1. Enact a law prohibiting the sale of tobacco to juveniles and to enforce it;
2. Conduct an annual random, unannounced inspection study of tobacco retailers to establish what percentage is willing to sell to youth under 18 (noncompliance rate); and
3. Develop a plan outlining how the State, with the help of communities and private organizations, will reduce the sale of tobacco to juveniles to no greater than a 20% noncompliance rate by the year 2000. Last year, the federal agency overseeing Synar activities allowed Indiana to postpone the 20% target until 2002, with targets of 24%

³ *Alcohol, Tobacco and Other Drug Use by Indiana Children and Adolescents, 2001*, the Indiana Prevention Resource Center, Bloomington.

⁴ Ibid.

⁵ 2000 Centers for Disease Control and Prevention Behavioral Risk Factor Surveillance System Survey (<http://www.cdc.gov/nccdphp/brfss/index.htm>)

* Division of Mental Health name changed legislatively to Division of Mental Health and Addiction, effective July 1, 2001.

in 2000 and 23% in 2001.

Failure to comply with the Synar Amendment jeopardizes federal funding for alcohol, tobacco and other drug use prevention efforts and alcohol and other drug treatment programs. Given present funding levels, Indiana's penalty would amount to over \$13 million in funds used to pay for alcohol, tobacco and other drug prevention programs and substance use treatment services for people who cannot afford to pay their full cost in any year in which it fails to meet its Synar target. The Family and Social Services Administration (FSSA) Division of Mental Health and Addiction (DMHA), in conjunction with the Governor's Commission for a Drug-Free Indiana, the Indiana Alcohol and Tobacco Commission* (IATC) Excise Police, other State agencies and public entities, and concerned non-governmental organizations, has organized and implemented the annual Synar study to measure Indiana's rate of vendor noncompliance with the law prohibiting sale of tobacco products to juveniles.

Indiana's study calls for multiple teams consisting of an ATC Excise Officer, an adult monitor, and two juveniles aged 14, 15 and 16 to inspect tobacco retailers throughout the State. Training is provided by the IATC Excise Police, in conjunction with staff of the Governor's Commission for a Drug-Free Indiana and their Regional Commission Offices. Participants are assigned to the county where they reside or to a neighboring county.

The purpose of the study is to determine the rate of Indiana sales of tobacco products to underage youth, called the "noncompliance rate". The juveniles, under the guidance and supervision of the Excise Officer and the adult monitor, attempt to purchase tobacco products at retail sites which have been randomly selected utilizing a statistically sound methodology. At the point the clerk asks for payment, the juvenile states that he/she does not have enough money to pay for the tobacco product, and no actual tobacco sale takes place. This study has been successful in raising the awareness and emphasizing the importance of enforcing youth tobacco access laws over the past few years. This year, 900 retailers will again be randomly selected for inspection.

Your help is appreciated. This year, in order not to jeopardize the federal penalty, Indiana is required to find a noncompliance rate below 20%. Although the 2001 report from the Indiana Prevention Resource Center found improvement in adolescent smoking rates, there is still much work to be done. Your help with this program is an important way to help reduce the likelihood that a young person you know will develop an unhealthy involvement with tobacco.

* Name of Indiana Alcoholic Beverage Commission changed legislatively to Indiana Alcohol and Tobacco Commission, effective July 1, 2001.

RANDOM COMPLIANCE INSPECTION STUDY ON YOUTH ACCESS TO TOBACCO

Training/Lesson Plan

- I. **Pre-Test.** Governor's Commission Regional Office staff administer pre-test to trainees. Post-test will be administered at close of training session.

II. Information Shared With Trainees

A. Introduction

In 1992, Congress passed a law called the Synar Amendment. This law requires all States and territories to reduce the rate of tobacco sales to juveniles and to document a sales rate to juveniles, as measured by annual studies, of no greater than 20% by the year 2000. In 1998, Indiana's Synar study found that 26% of randomly selected tobacco retailers were willing to sell tobacco products to underage youth; in 1999, Indiana's noncompliance rate increased to 27.9%. Concerned about the increase in vendor noncompliance, in May 1999, DMH submitted a letter to the federal government requesting a re-negotiation of Indiana's target rate for calendar year 2000. The federal government agreed to new rates of 24% for calendar year 2000, 23% for calendar year 2001 and 20% for calendar year 2002 and each year thereafter. In 2001, the study revealed that Indiana's noncompliance rate was 26%, an increase of over four percent from the previous year.

If a State or territory does not reduce the sale of tobacco products to persons under the legal age, it stands to lose substantial federal funding for alcohol, tobacco and other drug prevention and treatment services. Failure to reach negotiated noncompliance rates with laws prohibiting sale of tobacco products to youngsters can result in a loss of 40% of federal Substance Abuse Prevention and Treatment (SAPT) block grant dollars. At the present funding level, Indiana could lose over \$13 million in any year in which we fail to meet our Synar targets.

Indiana's plan for reducing the illegal sale of tobacco products to juveniles:

1. Under the leadership of the Family and Social Services Administration Division of Mental Health and Addiction, attention has been drawn to the importance of enforcing youth tobacco access laws on the books since the late 1980's. In conjunction with the Indiana Alcohol and Tobacco Commission, the Indiana Criminal Justice Institute's Governor's Commission for a Drug-Free Indiana, and the Indiana Prevention

Resource Center at Indiana University, DMHA has been conducting the Synar study since 1996.

2. In 2001, the Indiana Tobacco Prevention and Cessation Agency (ITPCA) was established to administer Indiana Master Tobacco Settlement Agreement tobacco control dollars. Currently, ITPCA is in the process of providing funds to Communities of Excellence throughout the State to address local tobacco control initiatives, some of which will include local enforcement of youth tobacco access laws;
3. In 2000, to support Synar goals, the Division of Mental Health and Addiction established the statewide Indiana Tobacco Retailer Inspection Program (TRIP) to enforce I.C. 35-46-1-10, which fines clerks who sell tobacco products to juveniles under the age of 18, I.C. 35-46-1-10.2, which progressively penalizes retailers who sell tobacco to underage youth, and I.C. 35-46-1-11.7, which fines retailers who "primarily sell tobacco products" for failure to post a notice on all entrances stating that, "It is unlawful for a person less than 18 years old to enter this store." Early in 2001, ITPCA provided funding to the ATC Excise Police to operate TRIP, effective July 1. As of June 30, TRIP had conducted over 5,300 inspections of nearly 3,700 Indiana tobacco retailers and contributed to collection of over \$150,000 in fines by the IATC.
4. Public awareness and tobacco vendor education campaigns will be conducted through ITPCA and the ATC to educate the public on the dangers of tobacco use and the illegality of selling tobacco products to youth under the age of 18 during the fiscal year ending June 30, 2002.

B. How serious is Indiana's underage tobacco problem?

a.) Underage tobacco use is a serious problem in Indiana.

1. According to the Indiana Prevention Resource Center, in 1996, 36.7% of Indiana high school sophomores reported smoking in the past month. In 1997, the percentage increased to 37.2%, reflecting a rise in underage tobacco use. In 1998, the results showed a significant decrease to 33.9%, but still above the 1997 national average of 29.8%.⁶ In 1999, 31.5% of Indiana high school sophomores reported smoking in the past month⁷. Although a decline, this is still above the 1998 national average of 27.6%. In 2000, the number of Hoosier sophomores smoking in the past month dropped to 28.9%. In 2001, the smoking rate for this group continued to drop to 27%, still above the 2000 national average of 23.9%.⁸

⁶ *Alcohol, Tobacco and Other Drug Use By Indiana Children and Adolescents: The Indiana Prevention Resource Center Survey – 1998.*

⁷ *Alcohol, Tobacco and Other Drug Use By Indiana Children and Adolescents: The Indiana Prevention Resource Center Survey – 1999.*

⁸ *Alcohol, Tobacco and Other Drug Use By Indiana Children and Adolescents: The Indiana Prevention Resource Center*

3. Surveys show that teenagers who smoke one pack of cigarettes or more a day are more likely to engage in future use of alcohol and other drugs.⁹

b.) What is Indiana doing to address the underage tobacco problem?

1. It is illegal for a person or a retailer to sell or distribute a tobacco product to an individual under the age of eighteen (IC 35-46-1-10 and 10.2).
2. Tobacco retailers are required to post notice that the sale of tobacco to persons under the age of 18 is forbidden by Indiana law. The notice must be conspicuously posted and use lettering at least one-half inch in height for greater visibility (IC 35-46-1-11).
3. IC 35-46-1-11.2 prohibits the operation of a tobacco business within 200 feet of an elementary or secondary school.
4. IC 35-46-1-11.5 prohibits tobacco vending machines in areas where youth have access.
5. A retail establishment that has as its primary purpose the sale of tobacco products must post signs on all entrances informing youth under 18 that it is unlawful for them to enter (IC 35-46-1-11.7).
6. In 2001, the Indiana General Assembly passed IC 9-24-16-3, which changes the appearance and information contained on drivers' licenses of persons under age 18 and under age 21. The licenses of all minors (under age 21) will be printed vertically instead of horizontally and require the date upon which the person will become 18 and 21 to be printed on the license face, likely to alert clerks that the person attempting to purchase age-related items, such as tobacco products, that the person attempting the purchase is under-age.
7. A study measuring vendor compliance with youth tobacco access sales laws is performed annually under the direction of the FSSA Division of Mental Health and Addiction. Inspections are covert and evaluate willingness to sell to underage youth as no actual sales take place. Inspected vendors are informed by letter of the results of their inspection and of the aggregate inspection results and are advised to pay special attention to clerk training in youth tobacco access laws. If the retail outlet is found willing to sell tobacco to a juvenile, the letter provides a training resource contact. Vendors who refuse to sell to the juvenile are congratulated for their clerk's vigilance in abiding by the laws.
8. In early 2000, the Division of Mental Health and Addiction established the Tobacco Retailer Inspection Program (TRIP), which enforces youth tobacco access laws. As of the end of June, 2001, TRIP had carried out

Survey – 2001; LD Johnson, PM O'Malley, JG Bachman (Dec. 2000). Cigarette use and smokeless tobacco use decline substantially among teens. University of Michigan News and Information Services: Ann Arbor, MI [Online]. Available: www.monitoringthefuture.org; accessed 10/15/01

⁹ Torabi, Mohammad R., W. J. Bailey, M. Mazd-Jabbari. *Cigarette Smoking As A Predictor of Alcohol and Other Drug Use By Children and Adolescents: Evidence of Gateway Drug Effect.* Journal of School Health. 63:7, September, 1993.

over 5,300 inspections of 3,700 retail tobacco outlets all over the State. On July 1, 2001, responsibility for TRIP was transferred to the Indiana Alcohol and Tobacco Commission, which administers the program and prosecutes violations of I.C. 35-46-1-10, I.C. 35-46-1-10.2 and I.C. 35-46-1-11.7. TRIP inspections utilize a protocol similar to the Synar protocol but actually result in a sale of a tobacco product, if the clerk violates the law. TRIP inspection teams consist of one youth and a monitor, the youth are aged 15, 16 and 17, and the youth carry and show valid identification if requested. Mainly as a result of TRIP, the ATC collected over \$150,000 in fines for violation of youth tobacco access laws between May, 2000, and June, 2001. The fines are deposited in ATC's Youth Tobacco Enforcement and Education Fund, which can be utilized for youth smoking prevention education, tobacco vendor education and training, and for enforcement of youth tobacco access laws.

C. Indiana's Annual Synar Compliance Inspection Study

- a. Each year, 900 tobacco retailers throughout the State are randomly selected for inclusion in the Synar study using a methodology developed by the Indiana Prevention Resource Center (IPRC) at Indiana University. Because Indiana does not license tobacco vendors, a commercially available retail list consisting of vendors determined most likely to sell tobacco products is used.
- b. Youth aged 14, 15, and 16 and adult monitors are selected and trained to participate in the inspections. Beginning in 2000, all Synar participants are being paid stipends for their assistance. Before beginning the inspections, the youth leave their identification with the adult monitor. While conducting the inspection, the youth answer all questions posed by the clerk honestly, including stating their accurate age, if asked.
- c. Youth attempt to purchase tobacco products from the randomly selected retailers, but no sale of tobacco actually takes place. Once the clerk indicates willingness to sell tobacco by asking the youth for payment, the youth states that he/she has no money and cancels the purchase. Each attempted purchase follows this exact protocol, and no retailer or clerk is considered as willing to sell unless it is clear that a sale would have occurred.
- c. Retailer Visits
 1. Each inspection team is composed of two trained youth aged 14, 15 and/or 16, one trained adult monitor, and one IATC Excise Officer. The Excise Officer drives the team vehicle and directs team activities.
 2. Inspection teams are responsible for inspection of one or more clusters of ten (10) primary tobacco retail establishments. To assure statistical validity, teams are provided with replacement (secondary) retail sites

which must be substituted in the order in which they appear on the list if a primary retailer is unable to be inspected because: 1) it is no longer in business; 2) it is found not to sell tobacco products; or 3) It is found that the business is a bar, a liquor store, adult bookstore, or other "adult entertainment" establishment which sells tobacco products only in areas inaccessible to juveniles. RETAILERS ON THE LIST WHICH LOOK LIKE TOBACCO SHOPS/STORES/OUTLETS ARE TO BE INSPECTED, EVEN IF A NOTICE IS POSTED ON THE ENTRANCE TO THE EFFECT THAT IT IS UNLAWFUL FOR PERSONS UNDER AGE 18 TO ENTER. If a primary retail establishment happens to be temporarily closed at the time of the scheduled inspection, it is the responsibility of the Excise Officer to reschedule an inspection at the site during its business hours or to pass on the inspection responsibility for this inspection to another team.

3. Before beginning the inspections, the youth leave their identification with the adult monitor. At each retail site, the adult monitor remains in the vehicle, keeping the inspecting youth in sight at all times in case a problem occur, and the youth needs the adult monitor's assistance. The adult monitor observes the exterior of the store, verifying the outlet's name and address and noting any corrections in this information on the Inspection Form. The Excise Officer enters the store first and is in place to unobtrusively witness the attempted purchase of a tobacco product by the inspecting youth.
4. One of the youth, who is not carrying identification/proof of age or money, enters the store. If the youth recognizes anyone in the store (besides the Excise Officer), he/she is instructed to immediately exit the store, and the other youth on the team should be substituted or arrangements made to come back to the establishment at another time.
5. If there are *any* problems, the youth is to notify the Excise Officer immediately and/or leave the store. *While it is highly unlikely that any kind of adverse incident or emergency will occur, a safety procedure is included in the training to ensure the safety of the youth and adult monitors.*
6. If the inspection is to proceed, the youth requests a popular tobacco product, cigarettes, cigars, smokeless tobacco, or other, from the clerk. If tobacco products are accessible on the counter, the youth selects the tobacco product and places it on the counter as if to purchase it.
7. If the clerk asks the youth for proof of age, the youth answers truthfully that he/she does not have proof of age or any identification (ID). If the store has a system requiring that the sale be completely entered into the cash register before proof of age is requested, the youth will allow this process to be completed. When the clerk asks the youth for money to pay for the tobacco product, the youth "checks" his/her pockets/purse and states that he/she does not have enough money, terminates the sale and exits the store, returning directly to the team vehicle. The Excise Officer

follows at a discrete distance.

8. Youth are instructed to answer any questions posed by the clerk truthfully. The youth are instructed not to pressure the clerk to sell in any way.
 9. The adult monitor watches for the youth to exit the store. The youth must be under the watch of and visible to the Excise Officer and/or the adult monitor at all times. If the clerk behaves angrily or inappropriately towards the youth at any time during the inspection, the youth is instructed to leave and to go directly to the vehicle. The Excise Officer is to intervene with the clerk, and the adult monitor is to help the youth get into the vehicle and lock the doors, if needed. In the event of an emergency or threatening incident, the Excise Officer will follow the standard Excise safety procedure. I.C. 35-45-2-1, Intimidation, I.C. 35-42-2-2, Harassment, I.C. 35-45-1-3, Disorderly Conduct will be imposed if clerks/vendors are verbally abusive, as can I.C. 35-42-2-1, Battery, if clerks/vendors become physically violent.
 10. Once the Excise Officer returns to the vehicle, the youth assists the officer in completing the Inspection Form. Completion of the Inspection Form must be accomplished immediately following the attempted purchase and before any other inspections take place.
 11. The purpose of the Synar study is to evaluate Indiana tobacco vendors' willingness to sell tobacco products to underage youth. Although Excise Officers may note that the vendor is in violation of other youth tobacco access laws at the time of inspection, such as posting of signs, this information is not reported in the study results.
- d. No notice or report is given to the clerk or the owner of the store at the time of the Synar study inspection, and no citations are issued for violations during the process. By delaying notification to vendors, word will not get out about the presence of inspection teams in the area, which could jeopardize and invalidate the study results. Retailers are notified by letter of the results of the Synar study by the Division of Mental Health and Addiction after all inspections have been completed and results tallied.

D. Signing Up

- A. **To Trainer:** Pass out Synar Inspection Outing Information Sheet, Parental/Guardian Permission and Youth Assent Forms, and Adult Waivers. The Permission Forms and Waiver Forms must be returned to the Regional Office of the Governor's Commission for a Drug-Free Indiana, where they are maintained.
- B. **To Inspection Trainees:** If you are interested in participating in these inspections, please sign the Participant Sign-Up Sheet. Adult monitors must

complete the "Adult Waiver" form. Youth and their parent or legal guardian must complete the "Parent/Guardian Permission and Youth Assent Form." If you are unable to turn the form(s) directly in to Commission staff, they can be turned in to your team Excise Officer, who will turn them in to RCO staff. Participating youth **must** be 14, 15 or 16 years old at the time of the inspection. **No** exceptions.

By assisting with this year's Synar study, you are actively working to reduce illegal sales of tobacco products to juveniles and to increase the likelihood that a young person will not initiate tobacco use. A person who has not smoked by age 16 is far less likely to ever begin smoking than a person who smokes during his/her early teen years.

E. Training Through Role Playing

- A. Pass out the instructions for both adult and youth participants.
- B. Provide instructions to the participants on how to report their hours worked for payment purposes.
- C. Divide the group into teams consisting of two adults and two youth. One of the adults portrays the Excise Officer. Teams are instructed to role-play an attempted inspection. Instructor will circulate, answer questions, offer feedback, and make suggestions.
- D. Please make sure you role-play an inspection from arrival at a vendor location to youth return to the team vehicle, as well as a situation involving a clerk who is behaving angrily towards the youth. For the latter situation, the adult monitor and the youth(s) should practice responding to the situation, making sure the youth reaches the vehicle safely and the doors to the vehicle get locked as outlined in the youth and adult instructions.
- E. Discussion/Question and Answer session.

VI. Inspection Preparation - Governor's Commission Regional Office staff administer post-test to all trainees and gather requested information for each inspection team on the Inspection Outing Information sheet provided toward the end of this packet.

VII. Conclusion

Thank you all for coming and for your help with the Synar study. Your assistance is invaluable, and your contribution will make a difference in the lives of Indiana residents today that will carry on for generations.

SYNAR COMPLIANCE INSPECTION STUDY ON YOUTH ACCESS TO TOBACCO

General Instructions

Compliance inspection study outings may last up to six (6) hours, although the time they take varies and should be discussed with affected parties, including parents/guardians, prior to each inspection process. It is extremely important that all participants honor their commitment to participate and that they meet promptly at the scheduled time. We ask that you cancel/postpone only in the case of an emergency since the inspections cannot proceed without your involvement. It is very difficult to substitute participants on short notice, especially because training is required before inspection activity. If an emergency arises, please call your contact person as far in advance as possible so that he/she can arrange for someone to take your place. In most cases, the contact person is at the Governor's Commission for a Drug-Free Indiana Regional Coordinating Office. The RCO staff will make sure that the Excise Officer is aware of the situation.

Each team consists of an ATC Excise Officer, an adult monitor, and two youth participants aged 14, 15 and/or 16. **The Excise Officer acts as the Inspection Team Leader, in charge of all aspects of the compliance inspection process.** All driving must be done by the Excise Officer. All participants are required to have received training prior to the inspection study outing. All participants are to be alert to any situation which may pose a threat to the safety of any participant and to terminate inspections which are felt to compromise this safety. *While it is unlikely that an adverse incident will occur, a safety procedure has been developed and included in these instructions.*

The officer has the list of tobacco vendor sites to be inspected in the order required by the study design. The two youth will alternate attempting tobacco purchases, reversing roles at each new inspection site. When a site is located, the Excise Officer will enter the store first, followed shortly thereafter by one of the youth. The adult monitor remains in the vehicle with the second youth participant, observing the store entrance and observing the first youth as he/she enters and exits the store. At the same time, the adult monitor verifies the name and address of the retail outlet in an unobtrusive manner, noting any corrections on the Inspection Form. The address and name of the retailer are important in the post-study notification process, as well as for subsequent inspections.

SYNAR COMPLIANCE INSPECTION STUDY ON YOUTH ACCESS TO TOBACCO

Instructions for Youth Participants:

1. Inspections may only be conducted by youth 14, 15 or 16 years of age. There will be ***no exceptions!*** Participation by youth who are either younger than 14 or older than 16 would invalidate the survey and require repeat inspection activities.
2. All youth ***must*** provide a signed Parent/Guardian Permission Form and Youth Assent Form to the Governor's Commission Regional Coordinating Office staff or to their team Excise Officer. These forms are kept on file in the Commission's State Office until two years after your 18th birthday.
3. You will be paid a stipend for your work in the Synar study through the Governor's Commission for a Drug-Free Indiana Regional Coordinating Office. Please be sure that you have instructions for documenting your work time and that you follow these instructions.
4. Your Role in the Study
 - a. The purpose of the study is to scientifically determine what percentage of Indiana tobacco retailers are selling tobacco products to underage youth. The result of the study will provide that information.
 - b. Before beginning the inspections, leave your proof of identification (ID's) with the adult monitor. Do not carry either ID or money with you into the stores/retail outlets. Before entering the store, clarify with the Excise Officer what type of tobacco product you will request: brand of cigarettes or smokeless tobacco, type of cigar, etc.
 - c. Alternating with your youth partner, after the Excise Officer enters the retail site, enter the site in a casual manner. If you recognize anyone (other than the Officer) in the establishment, do not attempt the purchase but return directly to the team vehicle. It is suggested that your youth partner replace you at this site.
 - d. Once in the establishment, either ask the clerk for the tobacco product if behind the counter or, if the tobacco product is within reach, place it on the counter near the register.
 - e. If the clerk rings up the sale and **asks for payment**, say that you do not have

enough money for the purchase, return to the vehicle and identify the retailer/clerk as "willing to sell" on the Inspection Form. Be aware that some stores ring up the sale before asking for proof of age, so be sure that the clerk intends to sell you the tobacco product and is asking for payment before you say that you have no money and terminate the attempt to purchase. Once it is clear that the clerk is intending to sell you the product, tell the clerk that you do not have sufficient money to pay for the purchase, leave the establishment, and return directly to the team vehicle.

f. If the clerk asks you any questions, answer truthfully. If the clerk asks you for proof of identification, respond honestly that you don't have any ID with you. Additionally, do not lie to the clerk about your age but answer with your actual age if asked.

g. If the clerk declines to sell to you, do not attempt to pressure the clerk in any way but terminate the attempt to purchase and politely return to the team vehicle.

h. Once you have entered the vehicle, immediately assist the Excise Officer in completing the Inspection Form.

Emergency Procedures: If you encounter any problems or sense that anything is wrong during this process, tell the Excise Officer and/or leave the establishment immediately and return to the team vehicle. Your safety should never be compromised during the study.

If the clerk speaks impolitely or unpleasantly to you, do not respond but go directly to the vehicle, get in, and lock the door. The Excise Office will intervene when necessary. If the clerk follows you, go directly to the vehicle, get in, and lock the door. Your adult monitor will help you if needed, and the Excise Officer will prevent the clerk from any further threatening behavior. If an incident of sufficient seriousness should occur, the Excise Officer will call your parents, inform them of the incident, and let them speak to you to assure them of your safety. The second youth should always stay in the vehicle, even if the adult monitor should need to leave the vehicle to help the youth. If an emergency should arise, the Excise Officer will radio for help.

SYNAR COMPLIANCE INSPECTION STUDY ON YOUTH ACCESS TO TOBACCO

Instructions For Adult Monitors:

1. You must complete an Adult Waiver form prior to participating in the Synar inspections. This form must be provided to the Governor's Commission for a Drug-Free Indiana Regional Coordinating Office staff or to the Excise Officer assigned to your inspection team prior to inspections.
2. You will be paid a stipend for your work in the Synar study through the Governor's Commission for a Drug-Free Indiana Regional Coordinating Office. Please be sure that you have instructions for documenting your work time and that you follow these instructions.
3. Your Role in the Synar Study
 - a. The youth are to leave their proof of identification with you before beginning the inspections. While the inspection is in progress, you are to wait in the team vehicle with the youth who is not involved in that particular inspection.
 - b. You are expected to observe the entrance and exit of the retail establishment being inspected and monitor the movements of the youth attempting the purchase. It is your responsibility to observe and monitor both of your team's youth to be sure that they are safe.
 - c. You are to verify that the name and address of the business being inspected are the same as those listed on the Inspection Form. If the name of the business has changed, or if the address is different than that on the form, please note the change(s) in the box marked "Name or Address Correction" on the top right section of the Inspection Form. The business name and address are very important to the post-inspection process of informing vendors of inspection results. The Excise Officer is responsible for verifying that each retailer name and address have been reviewed and modified as appropriate.

In Case of Emergency or Adverse Incident

If you see the clerk speak loudly or engage the youth in a negative manner, check to ensure that the Excise Officer is ready to intervene. In these situations, the youth is instructed to immediately leave the store and return to the vehicle. If this does not happen and/or the Excise Officer cannot intervene, instruct the remaining youth to stay in the vehicle, get out of the vehicle, go to the inspecting youth, and escort him/her back to the vehicle. Get in and lock the doors. Do not engage the clerk in any way. If an emergency arises, the Excise Officer will request help on the police radio.

SYNAR COMPLIANCE INSPECTION STUDY ON YOUTH ACCESS TO TOBACCO

Instructions for the Excise Officer:

1. Your headquarters will supply you with a packet containing Inspection Forms and a copy of the Lesson Plan for the adult monitor and youth participants. Please review all of the materials prior to the Synar inspection study.
2. **As the Excise Officer, you are in charge of the compliance inspection study process, directing the participants in the proper inspection protocol.** You will be accompanied during the study by one adult monitor and two youth participants. If either of the youth is female, the adult monitor must be female.
3. Although it is preferable that waivers and permission forms are turned in prior to the inspection outing, this is not always possible. If the participants have not handed in the appropriate form or waiver, collect a Parent/Guardian Permission and Youth Assent Form from each of the two youth participants and an Adult Waiver from the adult monitor before leaving the meeting place and beginning the inspections. These forms are to be turned in to the Regional Commission for a Drug-Free Indiana (RCO) staff person. If participants tell you that they have already turned in these forms to the RCO, this fact must be verified before proceeding. Under no circumstances may participants participate without having signed and turned in the Adult Waiver or the Youth Permission/Assent forms.
4. ***Verify that the youth participants are aged 14, 15, or 16. Inspections completed by teens under age 14 or over age 16 are not valid and cannot be counted as completed inspections.***
5. As Excise Officer, you are the driver of the vehicle used in the inspection process. Except in an emergency, no other team member should drive.
6. **Tobacco retailers who are inspected have been pre-selected using the best available vendor list based on a random, statistically sound methodology. You will be provided with two packets of pre-printed Inspection Forms, one for primary sites, the other for replacement (secondary) sites. Each vendor form will have the retailer name and address pre-printed on it and will be numbered to assure accountability.**
7. Each team will be asked to complete one or more clusters of ten (10) inspections of retail sites. The ten primary outlets are printed on colored paper and may be visited in any order. If a primary outlet is found to be out of business or not to sell tobacco,

you are to replace it with the first secondary (replacement) outlet printed on white paper, and so on, in numerical sequence. In other words, although the primary retailers may be visited in *any* order, **secondary retailers must be substituted for primary list vendors in numerical order.** Sometimes this will require driving to a retailer that is geographically distant from the primary sites. **Following this protocol is very important** in retaining the statistical validity of the study and in assuring the acceptability of the results. In addition to removing retail sites from the list which are out of business or which do not sell tobacco, you are to remove sites which are found to be bars (taverns), liquor stores, adult bookstores, or other "adult entertainment" establishments which sell tobacco products only in areas inaccessible to juveniles. Retailers in either the primary or the secondary packets which have as a primary/conspicuous purpose the sale of tobacco products, even if they have posted a notice on the entrance that it is unlawful for youth under 18 to enter, are to be inspected.

8. Although both primary and secondary list forms contain both names and addresses of specific retailers, your task is to inspect the location, not the retailer. In other words, if your team arrives at a location, and the name of the tobacco vendor has changed (corporate name or other), go ahead and inspect that site, being sure that the monitor notes the name change on the form. Do not seek out the retailer originally identified on the form at another location, even when you are aware to where they have moved. Of course, if the location's retailer is no longer selling tobacco products, the building has been torn down, or is a business that is inaccessible to youth under 18 (except if it is a "primary" tobacco vendor, in which case it is to be inspected), make the appropriate notations on the inspection form.
9. Your adult monitor is responsible for verifying that name and address of the business being inspected are the same as those listed on the Inspection Form. You are responsible for verifying that this task has been carried out. If the name of the business has changed, or if the address is different than that on the form, the monitor will note the change(s) in the box marked "Name or Address Correction" on the top right section of the Inspection Form. This information is extremely important for informing vendors of inspection results after the study is completed and to maintain the most accurate vendor list possible. Please be sure that the monitor understands their role in this regard.
10. All Inspection Forms must be handed in to your headquarters, even those for which no inspection was attempted. If an inspection cannot be completed because a retailer is out of business, doesn't sell tobacco, or sells tobacco only in areas inaccessible to minors (see # 7 above), note this information in the proper place on the form. No further action needs to be taken pertaining to this retailer.
11. If a retailer does appear to sell tobacco but happens to be closed when the inspection team arrives, this retailer must be revisited/inspected during hours when it is open for

business. It is your responsibility to inspect these retailers with your team or to pass this responsibility on to another Excise Officer's team.

Before beginning the inspections the youth are to leave their identification with the adult monitor. When parking near a vendor, it should be remembered that the adult monitor needs to be able to see the retailer's entrance from the vehicle so that he/she may observe the inspecting youth at all times. The teenagers will alternate who stays in the vehicle and who enters the establishment to attempt a purchase. Before entering the store, clarify with the youth what type of tobacco product to request (brand of cigarettes or smokeless tobacco, type of cigar, etc.).

12. As the Excise Officer, you enter the retail establishment first. If you recognize anyone in the establishment, abort the inspection and signal to the teenager to return to the vehicle.
13. The participant youth is to follow you into the retail establishment a short time after you have entered. The youth is to ask for a popular tobacco product if they are stored behind the counter. If tobacco products are displayed in front of the sales counter, the youth will take the tobacco product from the display and lay it on the counter as if to purchase it. When the clerk asks for payment for the tobacco product, the teen will say that he/she does not have enough money and will leave the store, returning to the team vehicle.
14. The youth has been instructed to answer all questions truthfully, to state his/her actual age is asked, and to in no way pressure the clerk into the sale. The youth has also been instructed to be certain that the sale would have been consummated and that payment is being requested for the tobacco product before making a "willing to sell" determination and terminating the inspection. No tobacco products are ever actually purchased during the study (no sales are consummated), and thus no violations occur. The study is measuring the retailer's "willingness to sell".
15. The youth has been instructed to tell you and/or to leave the store immediately if he/she encounters any problems or becomes emotionally uncomfortable during the inspection.
16. If you see the clerk behaving negatively towards the youth in any way, step between the clerk and the youth and instruct the youth to go directly to the vehicle. Deal with the clerk as you would in any similar situation. If the clerk should pursue the youth, direct the clerk's attention towards you and away from the youth. The adult monitor is instructed to ensure that the youth gets back to the vehicle, and the doors get locked. Following any sufficiently serious incident, call the youth's parents and inform them of the situation and let them talk to their child. Also, call the Commission Regional Office and inform the Community Consultant of the problem so that the Consultant can follow up with the family later. In the unlikely event that the situation

becomes sufficiently threatening, you are advised to charge the clerk/vendor with intimidation (I.C. 35-45-2-1), harassment (I.C. 35-42-2-2), disorderly conduct (I.C. 35-45-1-3) or battery (I.C. 35-42-2-1).

17. Upon completion of the inspection, return to the vehicle and *immediately* fill out the Inspection Form with the help of the youth who participated in the inspection.
18. For each completed inspection, be certain that all information required on the form is completed, including the date and time of the inspection. Please sign the form and indicate your district number.
19. Before leaving the business site, please re-check to make certain all necessary information has been noted on the Inspection Form. You will be called for this information if any information is missing. Return all completed Inspection Forms to your District headquarters.
20. No notice will be given the clerk or the retailer at the time of the inspection because vendors may alert other vendors that inspections are being carried out and consequently invalidate the study. No citations will be made since no tobacco is actually sold. After the inspection process is completed, retailers will be notified by mail by the Division of Mental Health and Addiction of the outcome of their inspection and of the inspection study. Vendors who were willing to sell will be referred to training on youth tobacco access laws, and vendors who refused to sell will be sent a letter of congratulations.

SYNAR COMPLIANCE INSPECTION STUDY ON YOUTH ACCESS TO TOBACCO

Checklist For Governor's Commission For A Drug-Free Indiana Regional Office Staff

- _____ You are responsible for training inspection youth and adult monitors. No one who has not been trained may conduct inspections. A Synar Study Lesson Plan has been provided in this packet for training purposes. Each training session is to begin with administration of a pre-test to all trainees and is to be concluded with a post-test administered to all trainees. The pre- and post-tests are to be handed in to the Governor's Commission State Office after all training sessions have been held.
- _____ The Excise Officers will have been provided with packets of Inspection Forms with pre-printed names and addresses of the retail establishments which are to be inspected. Retailers will be grouped into clusters of ten primary retailers each. Each cluster will be accompanied by a packet of ten secondary retailers which are substituted for primary retailers, in numerical order, if a primary retailer is found to be out of business, not to sell tobacco, or to sell tobacco only in areas inaccessible to minors.
- _____ Coordinate with your contact Excise Officer on setting dates for training sessions and for inspections. Pre-inspection training for all participants is required.
- _____ Arrange for two youth participants for each cluster. **Inspections can only be carried out by teenagers who are 14, 15 or 16 years old at the time of the inspection.**
- _____ Each teenager must provide a Parent/Guardian Permission and Youth Assent Form signed by his/her parent or guardian. The Youth must also sign this form to verify that he/she has received training in the Synar inspection process. Be sure to collect the original signed forms, which are to be turned in to the Governor's Commission State Office to be filed for a period of two years after the youth's eighteenth birthday. Teenagers who do not present a signed permission form **may not participate** in the study. If necessary, directly contact parents/guardians to take care of this important documentation.
- _____ Each adult monitor must provide a signed "Adult Waiver." These waiver forms are also to be turned in to the Commission State Office, where they are also kept on file.

- _____ If permission forms and/or waivers are collected by the Excise Officer at the inspection outing, be sure to arrange collection of these forms and submission to the Commission State Office for maintenance.
- _____ One adult monitor accompanies the inspection team. Female teenagers are to be accompanied by a female adult monitor or female officer.
- _____ You (Commission Regional Office staff) are responsible for conducting the Synar tobacco compliance inspection participant training session or for assuring its conduct (see ***Lesson Plan***). The Excise Officer will generally be at the training session and will offer assistance. If participants are unable to attend the group training session, training may be done on a per team basis. Participant training is essential before inspections are conducted, including review and role-play of safety/emergency procedures.
- _____ Inform the participants of the training date and the date, time and meeting place for the inspection outing.
- _____ Provide the Excise Officer with names and contact information for all participants.
- _____ Remind participants of the date, time and place of scheduled inspections shortly before inspections.
- _____ Establish a system to replace participants who will not be able to participate in the study and to train replacement participants.
- _____ Keep the Excise Officer informed of the status of planned inspections and inform him/her as promptly as possible if a planned inspection has to be canceled or the date has to be changed.
- _____ If make-up inspection outings need to be scheduled due to circumstances beyond the control of the participants, you are responsible for informing participants of the need to reschedule and of the dates/times of the make-up inspections.
- _____ The Excise Officer will complete all Inspection Forms and will send them directly to the Excise headquarters.
- _____ Debriefing sessions or appreciation parties are at the discretion of the Commission's regional offices.
- _____ Letters of appreciation for all participants will be handled by the FSSA Division of Mental Health and Addiction, as will letters informing vendors of the outcome of their inspection and of the inspection study and letters/certificates of congratulations to vendors who are "unwilling to sell".

If there are any questions about the compliance inspection study, contact Pamela Earls at the Governor's Commission for a Drug-Free Indiana's State Office at 317-232-1297 or Louise Polansky at the FSSA Division of Mental Health and Addiction at 317-232-7841.

SYNAR INSPECTION OUTING INFORMATION SHEET

A. County Inspected:

B. Excise Officer

Name:

Phone Number:

C. Name, address, phone number, social security number and fax and email (if available) for:

Adult Monitor:

Address:

Phone:

SS#:

E-mail:

Youth One:

Address:

Phone:

SS#:

E-mail:

Youth Two:

Address:

Phone:

SS#:

E-mail:

D. Date of Inspection Outing:

F. Meeting Time for Inspection Outing:

G. Meeting Place:

G. Training Date and Place:

YOUTH ASSENT FORM

I hereby acknowledge that the extent of my participation in the compliance inspection study has been explained to me and that I have received training in my role as a participant. Safety procedures have been reviewed with me.

Signature of Youth: _____ Date: _____

PARENT/GUARDIAN PERMISSION FORM

(Please Print)

I, _____, (Circle either: Parent or Guardian) do hereby grant permission for my son/daughter, namely, _____, to participate in unconsummated tobacco purchases as part of a study being conducted by the Indiana Family and Social Services Administration Division of Mental Health and the Indiana Alcoholic Beverage Commission Excise Police in collaboration with the Governor's Commission for a Drug-Free Indiana. I understand that my child will not actually be purchasing tobacco products. The purpose of this study is to gather data on the frequency of tobacco sales to minors by local merchants. I understand that my child may participate at a later date in publicity and educational components as well. I understand that the program has safety procedures to follow in the event of an emergency that were reviewed with all participants prior to the outing. On behalf of my son/daughter, I agree to indemnify and hold harmless the State of Indiana and its agents, contractors, and employees for any losses or injuries, including attorneys' fees, that may arise from my (son/daughter's) participation in the study and subsequent activities.

Name of teen participating: _____

Phone: (____) _____ SSN# _____

Address: _____

City: _____ County: _____ Zip: _____

Gender: Male or Female Age: _____ Birthdate: ____/____/____

Signature of Parent/Guardian _____ Date

Parent's Phone: Daytime - (____) _____ Evening - (____) _____

ADULT WAIVER

(Please Print)

I, _____, do hereby agree to participate in unconsummated tobacco purchases as part of a study being conducted by the Indiana Family and Social Services Administration Division of Mental Health and the Indiana Alcoholic Beverage Commission Excise Police. I understand no one will actually be purchasing tobacco products. I am scheduled for or have been trained in the safety/emergency procedures for the inspections.

The purpose of this study is to gather data on the frequency of tobacco sales to minors by local merchants.

I agree to indemnify and hold harmless the State of Indiana and its agents, contractors, and employees for any losses or injuries, including attorneys' fees, that may arise from my participation in the study and subsequent activities.

Printed name of participating adult: _____

Phone: Daytime - (____) _____ Evening - (____) _____

SSN# _____

Address: _____

City: _____ County: _____ Zip: _____

Gender: Male or Female Age: _____ Birthdate: ____/____/____

Ethnicity: _____(optional)

Signature

Date

